mutual agreement of the Boards of Directors of the contracting districts.

Such contracts shall be in writing. shall be acknowledged in the same manner and form as is required by law for the conveyance of real estate and shall be recorded in the real estate records of the county or counties in which such districts are situated. Such districts may issue bonds and expend the proceeds thereof to effectuate the purposes herein set forth and in payment of the obligations of said contracts.

Such bonds may be issued either separately or as part of a general bond issue of the district, in the manner and subject to all the regulations, terms, conditions and provisions of other bonds authorized to be issued under the terms of this, chapter, and of the Acts amendatory thereof and supplementary thereto, except as in this Act otherwise pro-

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vided."
"Article 7653b. Where districts organized under this Chapter have heretofore entered into contracts such as are authorized in this Act, said contracts and all acts and proceedings connected therewith are hereby confirmed, ratifled and validated, as of the respective times and dates of such contracts, acts and proceedings. with like effect as though at the time said contracts were entered into and said acts and proceedings were done or had there existed statutory authority therefor, and all bonds voted or issued by said districts for the purpose of securing, complying with and carrying out the terms of, said contracts are hereby validated and declared to be legal and binding obligations of such several districts, according to their terms, and such bonds may be issued and sold in the form and manner and at the price and under the conditions prescribed by law.

Sec. 3. Be it further enacted, that within the limitations of the Constitution of Texas, all laws and parts of laws, General or Special, which may, and insofar as the same may, conflict with the provisions and ob**jects of thic** Act, are hereby repealed.

Sec. 4. The fact that the creation, operation and use of water by water improvement districts result in the Drainage District No. 5." material benefit and improvement of Fease of taxable values of the prop- Drainage.

erty therein, resulting in great benefit to the State, and the fact that the present law relating to such districts is inadequate, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act take effect and be in force from and after the passage thereof, and it is so enacted.

THIRTEENTH DAY.

Senate Chamber. Austin, Texas,

Tuesday, May 14, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck. Berkeley. Cousins. Cunningham. DeBerry. Gainer. Greer. Hardin. Holbrook. Hornsby. Love. Martin. McFarlane. Miller. Moore.

Neal. Parr. Parrish. Patton. Pollard. Small. Stevenson. Thomason. Westbrook. Williamson. Wirtz. Witt. Woodul. Woodward.

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Absent—Excused.

Hyer.

Russek.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 134, A bill to be entitled "An Act creating Brazoria County

Read first time and referred to the State of Texas, and in the in- Committee on Mining, Irrigation and By Senator Holbrook:

S. B. No. 135. A bill to be entitled "An Act fixing the salary of court reporters in certain counties."

Read first time and referred to Committee on Mining, Irrgation and Drainage.

By Senator Parr:

S. B. No. 136, A bill to be entitled "An Act creating Cameron County Water Improvement District No. 10."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 137, A bill to be entitled "An Act authorizing commissioners of navigation districts to expent funds of such district for development of ports."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 138, A bill to be entitled "An Act providing for conversion of certain navigation districts into navigation districts under reclamation provisions of Constitution."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 139, A bill to be entitled "An Act creating Cameron County Improvement District No. 12."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 140, A bill to be entitled "An Act defining emigrant agent and providing license fee therefor."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 141, A bill to be entitled "An Act creating Cameron County Water Improvement District No. 11."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Woodul:

S. B. No. 142, A bill to be entitled "An Act providing conditions under which co-insurance clauses may be used in fire insurance policies."

Read first time and referred to Committee on Insurance.

By Senator Small:

S. B. No. 143, A bill to be entitled "An Act amending Article 6869 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senators Excused.

On motion of Senator Woodward, Senator Hyer was excused for the day on account of important business.

On motion of Senator Wirtz, Senator Russek was excused for the day on account of important business.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Murphy:

H. B. No. 107, A bill to be entitled "An Act providing for a jury wheel and the selection of juries and drawing of venires by means thereof in all counties having a population of not less than 16,775 and not more than 17,000, as shown by the United States census of 1920; to repeal the provisions of Articles 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2118, 2141, 2146 and 2150 of Chapter 7, Title 42, of the Revised Civil Statutes of Texas; to repeal Articles 629, 638 and 640 of Chapter 4, Title 8. of the Revised Code of Criminal Procedure of Texas; to repeal Articles 593 and 595 of Chapter 2, Title 8. of the Revised Code of Criminal Procedure of Texas, in so far as said articles apply to said counties; to provide for penalties for the violation of any provision of this Act, and declaring an emergency."

H. B. No. 164, A bill to be entitled "An Act amending Article 5172 of the Revised Civil Statutes of 1925, by making further exceptions of Articles 5168, 5169, 5170, 5171 of the Revised Statutes of 1925, said exceptions being as to superintendents, matrons and nurses employed in orphans' homes and to employes of any

State eleemosynary institution, and declaring an emergency.'

By Mr. Jenkins, Mr. Acker, Mr. Sinks and Mr. Purl:

H. B. No. 38, A bill to be entitled "An Act to require the district and county clerks, the clerks of the Courts of Civil Appeals, the Courts of Criminal Appeals, the clerk of the Supreme Court and the Secretary of State to make annual reports as to the transaction of the courts of this State."

Respectfully submitted, LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Sanate for a Free Conference Committee on S. B. No. 16. The following members are appointed on the part of the House:

Purl, McCombs, Pope of Nueces, Storey, Pool.

Respectfully submitted. LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 34, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado. New Mexico and Texas concerning the division of the waters of the Rio Grande above Fort, Quitman etc., and declaring an emergency."

Respectfully submitted, LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 209, A bill to be entitled "An Act renewing and extending Oil and Gas Permit No. 8845 issued by the Commissioner of the General shall include the total area of an in-

1924, and Oil and Gas Permit No. 8861, issued by the Commissioner of the General Land Office on the 6th day of October, 1924, covering University lands in Pecos county, Texas, for an additional period of three years from and after the present respective dates of expiration of said permits, and declaring an emergency."

Respectfully submitted. LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By Mr. Hardy:

H. B. No. 154, A bill to be entitled "An Act to amend Article 6692 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency.'

Respectfully submitted, LOUISE SNOW PHINNEY, Chief Clerk. House of Representatives.

Hall of the House of Representatives, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Tillottson and Mr. Sherrill: H. B. No. 159, A bill to be entitled "An Act to amend Chapter 25 of the General Laws passed by the Thirtyninth Legislature at its Regular Session in 1925 by adding a new section to said chapter, to be known as Section 84a, authorizing such districts to declare an emergency in certain cases and under certain limitations, and to issue interim bonds in evidence of such emergency loans, and pledge taxes and bonds of the district to secure payment of such emergency loans evidenced by such interim bonds; and to further amend Chapter 25 by adding to said chapter two other additional sections, to be known as Sections 75a and 75b: Section 75a to provide for the adding to the area of water control and improvement districts which are known as 'municipal districts,' so that the boundaries of such districts Land Office on the 6th of October, cluded city or town embraced in and

served by such district, and providing for a hearing on benefits, and providing for exclusion of lands in an appropriate case; and Section 75b to provide that territory not embraced in a water control and improvement district may be annexed as is provided for the creation of such district; providing that if any part of this Act be held unconstitutional, such decision shall not affect the validity of the remaining portion of this Act; providing that the provisions of this Act shall not repeal any former statute on the subject of water control and improvement districts, but shall be cumulative thereof; enacting provisions incident and necessary to the subject and purpose of the Act, and declaring an emergency."

H. B. No. 207, A bill to be entitled has passed the following bill: "An Act defining an emigrant agent. and providing a license fee therefor, and bond necessary to be given, and providing penalties for a violation of this Act, or making false statements in connection therewith, and creating an emergency."

H. B. No. 105, A bill to be entitled "An Act conveying to the United States of America an easement for the construction of the intracoastal waterway over certain State-owned lands in Chambers and Galveston provided counties; further, that nothing in this Act shall be construed to affect or impair any vested rights, or the right to use and maintain any bridge or bridges now in existence, and the right of the owner of any such bridge to use and maintain the same; providing for the reversion of said lands to the State of Texas under certain contingencies, and declaring an emergency.

Respectfully submitted. LOUISE SNOW PHINNEY. Chief Clerk, House of Representatives.

Hall of the House of Representatives Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 120, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-

first Legislature of Texas, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the counties of Archer. Brooks, Goliad, Gray, Hutchinson, to such a district in the same manner | Jeff Davis, Jim Hogg, Leon, Live Oak, Montgomery, Potter, Panola, San Jacinto, Shackelford, Terrell, Walker, Throckmorton, Uvalde, Webb, Zapata and Zavala, and declaring an emergency."

Respectfully submitted, LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Hall of the House of Representatives Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House

By Mr. Beck:

H. B. No 155, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14 and 15 of House bill No. 50 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section. Section 11a, thereto, so as to more accurately define the term 'motor bus company and better define the jurisdiction of the Railroad Commission of Texas in the regulation of motor bus transportation; to provide for the regulation of motor bus terminals; to provide for the licensing of bus drivers, and prescribe fees therefor; regulating the rates and the sale of tickets over bus lines; granting the power to bring suits to procure injunctions for the enforcement of the provisions of said House bill No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature; providing for penalties and punishment for the violations of the provisions of this Act, and for the violation of the rules and regulations of the Railroad Commission; providing for additional funds in the way of fees and licenses for the enforcement of said Act; requiring the sale of stock in a motor bus company to be approved."

Respectfully submitted, LOUISE SNOW PHINNEY Chief Clerk, House of Representatives. Hall of the House of Representatives Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House morning. to inform the Senate that the House | prevailed. has passed the following bill:

H. B. No. 175, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Article 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers, and declaring an emergency.

Respectfully submitted. LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Hall of the House of Representatives Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 180, A bill to be entitled "An Act to provide for the destruction of certain predatory animals and rodent pests; providing for cooperation of this State with the United States Department of Agriculture in destroying certain predatory animals and rodent pests in the interest of live stock, crops and ranges; authorizing an appropriation to be extended under the contingencies and in the manner provided in the act, etc,. and declaring an emergency."

Respectfully submitted. LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Invitation Extended.

The Chair laid before the Senate the following invitation:

Governor and Mrs. Dan Moody will be at home to the members of the Senate and their families on Thursday evening, May sixteenth, nineteen twenty-nine, from eight to ten o'clock Executive Mansion.

Lawn Party.

H. B. No. 165 Re-referred.

Senator Westbrook, moved to rerefer H. B. No. 165 from the Committee on State Affairs to the Committee on Labor.

Senator Wirtz amended the motion by moving that the Committee on Labor be requested to report the bill by 10:00 o'clock Thursday following resolution:

The motion as amended

House Bills Referred.

H. B. No. 33 referred to Committee on Penitentiaries.

H. B. No. 164 referred to Committee on Labor.

H. B. No. 20 referred to Committee on Penitentiaries.

H. B. No. 38 referred to Committee on Civil Jurisprudence.

H. B. No. 107 referred to Committee on Civil Jurisprudence.

H. B. No. 209 referred to Committee on State Affairs.

H. C. R. No. 6.

The Chair laid before the Senate the following resolution:

H. C. R. No. 6, Relating to grants of land to Ed Wingate's heirs.

The resolution was adopted.

Simple Resolution No. 18.

Senator Wirtz sent up the following resolution:

Whereas, By virtue of Senate Resolution No. 37 passed at the Regular Session of the 41st Legislature, the undersigned were appointed a Committee for the purpose of investigating certain text book contracts and adoptions by the State Textbook Commission of Texas, all as set out and described in said resolution:

Whereas, Said committee completed an investigation during the Regular Session of said 41st Legislature and made its report to the Senate, and which report was received by the Senate but action thereon deferred until the present Special Session of the Legislature;

Now, Therefore, Be it Resolved, That said report be received and a copy thereof, together with a copy of the evidence adduced at such hearing. be transmitted to the Attorney General of the State of Texas for his use, information and observance.

> WIRTZ. MARTIN. SMALL.

The resolution was read and adopted.

Simple Resolution No. 19.

Senator Cunningham sent up the

Whereas, The President of the United States has urged a reorganization of the Federal Courts of this Country;

And whereas, a re-districting of the Federal Court districts in Texas will greatly expedite the business of said Courts and reduce the expenses of litigation in them.

Therefore, Be it resolved by the Senate of Texas that our United States Senators and Congressmen are urged to seek a reorganization of the Federal Judicial Districts of this State.

Be it further resolved that a copy of this resolution be forwarded to each Senator and Representative in Congress from Texas.

The resolution was read and adopted.

Senate Bill No. 55.

The Chair laid before the Senate as special order the following bill:

By Senator Thomason:

S. B. No. 55, A bill to be entitled "An Act to authorize the Board of Control by and with the consent of the Governor, to select and set aside so much of the lands of the Texas penitentiary at Rusk, Texas, as may be requisite and necessary for the use of Rusk State Hospital, and to authorize the Board of Control by and with the consent of the Governor to sell and dispose of any of the remainder of the lands situated in Cherokee County and formerly belonging to the Texas Penitentiary System, and to authorize the Board of Control by and with the consent of the Governor to lease any and all of said lands owned by the State in Cherokee County for the purpose of prospecting for oil, gas, and other minerals; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

The Committee report carrying a substitute bill was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 55 was put on its third reading and final passage, by the following vote:

Yeas-29.

Beck. Cunningham.
Berkeley. DeBerry.
Cousins. Gainer.

Greer. Patton. Hardin. Pollard. Holbrook. Small. Hornsby. Stevenson. Love. Thomason. Martin. Westbrook. Williamson. McFarlane. Miller. Witt. Moore. Wirtz. Neal. Woodul. Parr. Woodward. Parrish.

Absent-Excused.

Hyer. Russek.

The bill was read third time and finally passed by the following vote:

Yeas-29.

Beck. Pollard. Berkeley. Small. Stevenson. Cousins. Thomason. Cunningham. DeBerry. Westbrook. Williamson. Gainer. Greer. Wirtz. Hardin. Woodward. Martin. Holbrook. Neal. Hornsby. Parr. Love. Witt. McFarlane. Woodul. Miller. Parrish. Woodul. Patton.

Absent-Excused.

Hyer. Russek.

Senate Bill No. 87.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish.

S. B. No. 87, A bill to be entitled "An Act authorizing the appointment of not exceeding two deputy sheriffs to be paid out of the general fund of the county; providing the manner of their appointment and providing for their salary; limiting the application of this Act to counties of more than 11,090 and less than 11,130 population according to the latest United States census and counties of more than 4,935 and less than 4,380 according to said census; enacting other provisions incidental to the subject of the Act; and declaring an emergency.

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parrish the No. 5, in Brazoria County, Texas. constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 81 was put on its third reading and final passage, by the following vote:

Yeas-29.

Neal. Beck. Parr. Rerkelev. Cousins. Parrish. Patton. Cunningham. DeBerry. Pollard. Gainer. Small. Greer. Stevenson. Hardin. Thomason. Westbrook. Holbrook. Williamson. Hornsby. Wirtz. Love. Martin. Witt. Woodul. McFarlane. Woodward. Miller. Moore.

Absent-Excused.

Hyer.

Russek.

The bill was read third time and finally passed by the following vote:

Yeas-29.

Beck. Neal. Berkeley. Parr. Cousins. Parrish. Cunningham. Patton. DeBerry. Pollard. Gainer. Small. Greer. Stevenson. Thomason. Hardin. Holbrook. Westbrook. Williamson. Hornsby. Love. Wirtz. Witt. Martin. McFarlane. Woodul. Woodward. Miller. Moore.

Absent-Excused.

Hver.

Russek.

Message from the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following message:

> Executive Office, May 14, 1929.

To the Members of the Forty-First Legislature:

I herewith submit for your consideration the following:

The attached Bill to create Brazoria County Drainage District Beck.

(2) Your attention is respectfully called to the decision of the Court of Civil Appeals for the Fourth Supreme Judicial District, at San Antonio in the case of Leal vs. Burger. 299 S. W. 497, in which it is held that Article 2241. Revised Civil Statutes, was repealed by an Act of the Legislature in 1925. By the elimination of this article from the statutes indigent litigants are in effect denied the right of appeal in civil cases in which they are unable to pay or secure the payment of costs. Justice should be within the reach of the poorest man. This omission in our law should be cured at the earliest practicable moment by the enactment of some statute making it possible for indigent litigants to carry their cases before the appellate courts.

Respectfully submitted, DAN MOODY.

Governor.

Senate Bill No. 98.

The Chair laid before the Senate on its second reading the following bill:

By Senator Wirtz.

S. B. No. 98, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to accept and hold in trust for the University a gift from the executor of the will of E. D. Farmer, deceased, for the purpose of establishing an International Scholarship Fund; Appropriating to the University of Texas all inheritance taxes against the estate of E. D. Farmer, deceased; Providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas, to be held and administered by said Board of Regents as a special fund to be known as the E. D. Farmer International Scholarship Fund; and declaring an emergency."

The Committee report was adopted. The bill was read second time and

passed to engrossment.

On motion of Senator Wirtz the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 98 was put on its third reading and final passage, by the following vote:

Yeas-29.

Berkeley.

Cousins. Parr. Cunningham. Parrish. DeBerry. Patton. Pollard. Gainer. Small. Greer. Stevenson. Hardin. Holbrook. Thomason. Hornsby. Westbrook. Williamson. Love. Martin. Wirtz. Witt. McFarlane. Miller. Woodul. Moore. Woodward. Neal

Absent-Excused.

Hyer.

Russek.

The bill was read third time and finally passed by the following vote:

Yeas-29.

Beck. Neal. Berkeley. Parr. Cousins. Parrish. Cunningham. Patton. DeBerry. Pollard. Gainer. Small. Greer. Stevenson. Hardin. Thomason. Holbrook. Westbrook. Hornsby. Williamson. Love. Wirtz. Martin. Witt. McFarlane. Woodul. Miller. Woodward. Moore

Absent-Excused.

Hyer.

Russek.

Senate Bill No. 13.

The Chair laid before the Senate on its third reading the following bill:

By Senators Neal, Cunningham and others.

S. B. No. 13, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service, and duties; etc., and declaring an emergency."

The bill was read third time.

Senator Moore sent up the following amendment:

Amend S. B. No. 13 by striking out all of Section 6 and substitute in lieu thereof the following:

"Sec. 6. The present Superinten-Cunning dent of Public Instruction, during Greer. the term for which he has been Hardin.

elected and is now serving, shall act as Secretary of the Board of Education. Prior to the expiration of the present term of the incumbent of the office of the State Superintendent of Public Instruction there shall be elected, as now provided by law, a State Superintendent of Public Instruction for a term as now provided by law who shall possess Master of Arts degree in some first class university and who shall have been actually engaged in teaching for five years preceding his election."

MOORE.

The amendment was read.

Senator Stevenson sent up the following amendment to the amendment:

Amend the amendment to S. B. No. 13 by inserting words "or college" after the word "university." STEVENSON.

Read and adopted.

The amendment as amended was read and lost by the following vote:

Yeas-14.

Berkeley. Miller.
Cousins. Moore.
De Berry. Parr.
Gainer. Parrish.
Hardin. Patton.
Martin. Stevenson.
McFarlane. Williamson.

Nays-13.

Beck. Pollard.
Cunningham. Small.
Greer. Thomason.
Holbrook. Westbrook.
Hornsby. Witt.
Love. Woodward.

Neal.

Absent-Excused.

Hyer.

I am paired with Senators Wirtz and Russek. They would vote "aye" and I would vote "nay."

WOODUL.

(Two-thirds vote required.)

The bill was finally passed by the following vote:

Yeas—16.

Beck. Holbrook.
Berkeley. Hornsby.
Cunningham. Love.
Greer. Martin.
Hardin. Neal.

Pollard. Small.

Thomason. Witt.

Stevenson.

Woodward.

Nays-10.

Cousins. DeBerry. Gainer. McFarlane.

Miller.

Moore. Parr. Parrish. Patton. Williamson.

Absent.

Westbrook.

Absent-Excused.

Hyer.

Russek.

(Pairs Recorded.)

Senator Woodul (present), who would vote aye with Senator Wirtz (absent), who would vote nay.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing. and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 41. S. B. No. 39.

House Bills Referred.

H. B. No. 154, referred to Committee on State Affairs.

H. B. No. 105 referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 159 refered to Committee on Mining, Irrigation, and Drainage.

H. B. No. 120 referred to Committee on Stock and Stock Raising.

H. B. No. 207 referred to Committee on State Affairs.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger | bill: from the Governor with the following message:

Executive Office, May 14, 1929.

To the Honorable Senate of the State of Texas:

Subject to your confirmation, I have appointed the following named persons to the offices indicated:

To be members of the Board of Regents of the Texas College of Arts and Industries at Kingsville, Texas; (1) For the six year terms:

Hon. R. M. Kleberg, of Nueces passed to engrossment.

County; Hon. Lamar Gill, of Willacy County; Mrs. W. P. Stoner, of Victoria County.

(2) For the four year terms:

Hon. Sam Fore, of Wilson County; Mrs. Gordon Boone, of Nueces County; Hon. Gus S. Wortham, of Harris County.

(3) For the two year terms:

Hon. O. W. Killam, of Webb County; Mrs. Lorine J. Spoonts, of Nueces County; Hon. Ed. C. Lassiter, of Brooks County.

To be members of the State Board of Pharmacy:

Hon. R. R. Townsend, of Dawson County; Hon. Frank A. Walter, of Bexar County.

To be members of the Board of Public Accountancy:

Hon. C. M. Grider, of El Paso County.

To be a member of the Texas Prison Board:

Hon. W. A. Paddock, of Harris County.

> Respectfully submitted. DAN MOODY. Governor.

The message was read and referred to the Committee on Governor's Nominations.

Recess.

On motion of Senator Hornsby. the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 99.

The Chair laid before the Senate on its second reading the following

By Senator Love.

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the 38th Legislature, so as to increase the salary of the Judge of the County Court of Dallas County at Law No. 1 and the Judge of the County Court of Dallas County at Law No. 2, etc., and declaring an emergency."

The Committee report was adopted. The bill was read second time and

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 99 was put on its third reading and final passage, by the following vote:

Yeas-28.

Moore. Beck. Neal. Berkeley. Cousins. Parr. Parrish. Cunningham. Patton. DeBerry. Pollard. Gainer. Small. Greer. Stevenson. Hardin. Thomason. Holbrook. Westbrook. Hornsby. Williamson. Love. Martin. Witt. Woodul. McFarlane. Woodward. Miller.

Absent.

Wirtz.

Absent -- Excused.

Hyer.

Russek.

The bill was read third time and finally passed by the following vote:

Yeas-27.

Neal. Beck. Parr. Berkeley. Parrish. Cousins. Cunningham. Patton. Pollard. DeBerry. Small. Gainer. Stevenson. Greer. Thomason. Hardin. Westbrook. Holbrook. Williamson. Hornsby. Love. Witt. Woodul. Martin. Woodward. Miller. Moore. Nays-1.

McFarlane.

Absent.

Wirtz.

Absent-Excused.

Hyer.

Russek.

Senate Bill No. 100.

The Chair laid before the Senate on its second reading the following bill:

By Senator Love.

S. B. No. 100, A bill to be entitled "An Act to amend Section 10, of Moore.

Chapter 25 of the General and Special Laws of the Regular Session of the 40th Legislature so as to increase the salary of the Judge of the County Criminal Court of Dallas County, Texas., etc., and declaring an emergency.

The Committee report was adopted. The bill was read second time and passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 100 was put on its third reading and final passage, by the following vote:

Yeas-27.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Nays-1.

McFarlane.

Absent.

Wirtz.

Absent—Excused.

Hyer.

Russek.

The bill was read third time and finally passed by the following vote:

Yeas-27.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish,
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.

.

Nays-1.

McFarlane.

Absent—Excused.

Hyer. Russek. Wirtz.

Senate Bill No. 113.

The Chair laid before the Senate on second reading the following bill:

By Senator McFarlane:

S. B. No. 113, A bill to be entitled "An Act authorizing persons who, while acting as a duly elected and qualified tax collector of any county in Texas, erroneously paid to the county any excess fees of office, to sue the county for the fees so erro- Russek. neously paid."

The bill was read second time and

passed to engrossment.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 113 was put on its third reading and final passage, by the following vote:

Yeas-26.

Beck. Moore. Berkelev. Neal. Cousins. Parr. Cunningham. Parrish. DeBerry. Patton. Gainer. Small. Greer. Stevenson. Hardin. Thomason. Hornsby. Westbrook. Williamson. Love. Martin, Witt. McFarlane. Woodul. Miller. Woodward.

Nays--1.

Holbrook.

Present-Not Voting.

Pollard.

Absent-Excused.

Hyer. Russek. Wirtz.

Read third time and finally passed by the following vote:

Yeas-24.

Beck. Berkeley. Cousins. Gainer.

Greer. Hardin. Hornsby. Love.

Martin. Small. McFarlane. Stevenson. Miller. Thomason. Moore. Westbrook. Neal. Williamson. Parr. Witt. Parrish. Woodul. Patton. Woodward.

Nays-3.

Cunningham. DeBerry.

Holbrook.

Present-Not Voting.

Pollard.

Absent-Excused.

Hyer.

Wirtz.

Senator Excused.

On motion of Senator Pollard, Senator Wirtz was excused for the day on account of important business.

Senate Bill No. 114.

The Chair laid before the Senate on second reading the following bill: By Senator DeBerry:

S. B. No. 114, A bill to be entitled "An Act amending Chapter 91 of the General Laws of the First Called Session of the Fortieth Legislature so as to provide that the provisions of said Chapter shall apply to counties in Texas having a population of not less than 55,710, and not more than 56,000, according to the Federal Census of 1920, and declaring an emergency."

The committee report was adopted. The bill was read second time and passed to engrossment.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 114 was put on its third reading and final passage, by the following vote:

Yeas-28.

Beck. Berkeley. Cousins. Cunningham. DeBerry. Gainer, Greer. Hardin.

Holbrook.

Hornsby. Love. Martin. McFarlane. Miller.

Moore. Neal. Parr. Parrish. Patton. Westbrook.
Pollard. Williamson.
Small. Witt.
Stevenson. Woodul.
Thomason. Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

ek.

Read third time and finally passed by the following vote:

Yeas-28.

Moore. Back. η. ε^{γ. σ.} • Neal. Parr. $i_{1,2}$ Parrish. Patton. DeBerry. Porlard. Gainer. Small. Greer. Stevenson. Blandin. Thomason. Hotbrook. Westbrook. Hoinsby. ., illiamson. Love. Witt. Martin. Woodul. McFarlane. Woodward. Miller.

Absent-Excused.

Hyer. Russek Wirtz.

Motion to Set Special Order.

Senator Parr moved to set H. B. No. 77 as special order for tomorrow morning after the morning call. The motion prevailed.

Senate Bill No. 14.

The Chair laid before the Senate on third reading the following bill:

By Senators Neal, Stevenson.

Woodward, Cunningham.

S. B. No. 14, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory school attendance; and declaring an emergency."

Read third time.

Senator Martin sent up the fol-

lowing amendment:

Amend S. B. No. 14, page 1, line 18, by the substitution of "one hundred days" for the expression "one hundred and twenty days."

MARTIN.

The amendment was read.

Senator Martin moved to postpone The bill was the further consideration of this bill following vote:

and the amendment until 10:00 o'clock Friday morning.

Senator Neal moved to table the motion. The motion prevailed by the following vote:

Yeas—17.

McFarlane. Beck. Berkeley. Neal. Cousins. Pollard. Cunningham, Small. Stevenson. Greer. Hardin. Thomason. Witt. Holbrook. Woodul. Hornsby. Love.

Nays-8.

DeBerry. Moore.
Gainer. Parr.
Martin. Parrish.
Miller. Patton.

Absent.

Westbrook. Williamson. Woodward.

Absent—Excused.

Hyer. Russek. Wirtz.

Senator Witt moved to table the amendment. The motion prevailed by the following vote:

Yeas-15.

Beck.
Berkeley.
Cunningham.
Greer.
I'olbrook.
Hornsby.
Love.
McFarlane.

Neal.
Pollard.
Small.
Stevenson.
Thomason.
Witt.
Woodul.

Nays-9.

DcBerry. Parr.
Gainer. Parrish.
Martin. Patton.
Miller. Williamson.
Moore.

Absent.

Cousins. Westbrook. Hardin. Woodward.

Abscnt-Excused.

Hyer. Wirtz. Russek.

The bill was finally passed by the following vote:

Yeas-18.

Parr. Beck. Berkeley. Parrish. Greer. Patton. Holbrook. Pollard. Small. Hornsby. Stevenson. Luve. Martin, Thomason. McFarlane. Williamson.

Nays-4.

DeBerry. Gainer.

Neal.

Miller. Moore.

Witt.

Absent.

Cousins.

Westbrook. Woodward.

Absent-Excused.

Hyer.

(Pairs Recorded.)

Senator Cunningham (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator Woodul (present), who would vote yea with Senator Wirtz (absent), who would vote nay.

Senate Bill No. 134.

The chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 134, A bill to be entitled "An Act creating Brazoria County Drainage District No. 5."

The rule requiring Committee reports to lie over one day was suspended by unanimous consent.

The Committee report was adopted. On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 134 was put on its second reading by the following vote:

Yeas-27.

Beck. Love. Berkeley. Martin. Cousins. McFarlane. Cunningham. Miller. Moore. DeBerry. Neal. Gainer. Parr. Greer Hardin, Parrish. Patton. Holbrook. Pollard. Hornsby.

Small. Stevenson. Thomason. Westbrook. Williamson.

Witt. Woodul,

Absent.

Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 134 was put on its third reading and final passage, by the following vote:

Yeas-27.

Beck. Moore. Berkeley. Neal. Cousins. Parr. Cunningham. Parrish. DeBerry. Patton. Gainer. Pollard. Greer. Small. Stevenson. Hardin. Holbrook. Thomason. Hornsby. Westbrook. Love. Williamson. Martin. Witt. Woodul. McFarlane. Miller.

Absent.

Woodward.

Absent-Excused.

Hyer. Russek, Wirtz.

Read third time and finally passed by the following vote:

Yeas--27.

Reck. Moore Berkeley. Neal. Cousins. Parr. Cunningham. Parrish. Patton. DeBerry. Gainer. Pollard. Small. Greer. Hardin. Stevenson. Holbrook. Thomason. Hornsby. Westbrook. Williamson. Love. Martin. Witt. McFarlane. Woodul. Miller.

Absent.

Woodward

Absent---Excused.

Hyer. Russek. Wirtz.

Bill Signed.

The Chair gave notice of signing. and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 34.

Senate Bill No. 135.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 135, A bill to be entitled "An Act fixing the salary of court reporters in certain counties.

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted. On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 135 was put on its second reading by the following vote:

Yeas-27.

Beck. Moore. Nost. Berkeley. I'arr Cousins. Parrish. Cunningham. Patton. DeBerry. Pollard. Gainer. Creer. Small. Hardin. Stevenson. Thomason. Holbrook Westbrook. Hornsby. Williamson. Love. Martin. Witt. Woodul. McFarlane. Miller.

Absent.

Woodward.

Absent-Excused.

Hyer. Russek Wirtz.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to District No. 8, etc., and declaring an be read on three several days was emergency." suspended and S. B. No. 135 was

put on its third reading and final passage, by the following vote:

Yeas-27.

Beck. Moore. Berkeley. Neal. Cousins. Parr. Cunningham. Parrich. DeBerry. Patton Pollard. Gainer. Greer. Small. Hardin. Stevenson. Holbrook. Thomason. Hornsby. Westbrook. Williamson. Love. Witt. Martin. McFarlane. Woodul. Miller.

Absent.

Woodward

Absent-Excused.

Hyer. Russek. Wirtz.

Read third time and finally passed by the following vote:

Yeas-27.

Beck. Moore. Berkeley. Neal. Cousins. Parr. Cunningham. Parrish. DeBerry. Patton. Pollard. Gainer. Small. Greer. Hardin. Stevenson. Thomason. Holbrook. Hornsby. Westbrook Love. Williamson. Witt. Martin. Woodul. McFarlane. Muller.

Absent.

Woodward.

Absent-Excused.

Hver. Russek. Wirtz

Senate Bill No. 70.

The Chair laid before the Senate on second reading the following bill: By Senator Thomason:

S. B. No. 70, A bill to be entitled "An Act validating matters and things heretofore done and performed in Wells Independent School

The Committee report was adopted.

The bill was read second time and

passed to engrossment.

the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 70 was put on its third reading and final passage, by the following vote:

Yeas-27.

Patton. Beck. Berkeley. Moore. Neal. Cousins. Cunningham. Parr. Parrish. DeBerry. Pollard. Gainer. Small. Greer. Stevenson. Hardin. Holbrook. Thomason. Westbrook. Hornsby. Williamson. Love. Witt. Martin. Woodul. McFarlane. Miller.

Absent.

Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

Read third time and finally passed by the following vote:

Yeas-27.

Beck. Moore. Berkeley. Neal. Cousins. Parr. Cunningham. Parrish. DeBerry. Patton. Gainer. Pollard. Small. Greer. Stevenson. Hardin. Thomason. Holbrook Hornsby. Westbrook. Williamson. Love. Witt. Martin. Woodul. McFarlane. Miller.

Absent.

Woodward.

Absent-Excused

Hyer. Russek. Wirtz.

Senate Bill No. 106.

The Chair laid before the Senate on second reading the following bill: By Senator Witt.

S. B. No. 106, A bill to be entitled ing bill:

"An Act regulating commercial aircraft and airmen in connection On motion of Senator Thomason therewith; etc., and declaring an emergency.'

The Committee report was adopted. The bill was read second time.

On motion of Senator Witt, S. B. No. 106 was laid on the table subject to call.

Simple Resolution No. 20.

Senator Pollard sent up the following resolution:

Whereas, Colonel W. H. Meade, General Manager of the Texas Prison System of Texas, is within the Capitol City, and is not only thoroughly familiar with, but is responsible for the management of the Texas Prison System of Texas, where he has been employed as Manager of the Prison System for more than one

Now, therefore be it resolved by the Senate of Texas that Colonel Meade be invited to address the Senate upon the actual conditions of the Prison System of Texas as it exists today.

> POLLARD, COUSINS.

Read and adopted.

The Chair appointed Senators Pollard, Beck, and Woodul to escort Col. Meade to the platform.

Col Meade Speaks.

Senator Pollard introduced Col. Meade, who addressed the Senate concerning the prison situation.

Senate Bill No. 120.

The Chair laid before the Senate on second reading the following bill: By Senator Parr:

S. B. No. 120, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the tax rolls of 1928 on file in the office of the State Comptroller; etc., and declaring an emergency."

On motion of Senator Greer, the bill was laid on the table subject to call.

Senate Bill No. 20.

Senator Beck moved to take up out of its regular order the followBy Senator Beck:

S. B. No. 20, A bill to be entitled "An Act amending Sections 3, 4, 14 and 20 of Chapter 41 of the Acts of the Fortieth Legislature, passed at its First Called Session, which Act provides for a system of Vital Statistics, and which amendment provides for the formation of Registration Districts and for Local Registrars of Births and Deaths and for Deputy-Registrars for the duties of such officers and their compensation, and declaring an emergency."

The motion prevailed by the following vote:

Yeas-27.

Beck. Мооге. Berkeley. Neal. Cousins. Parr. Cunningham. Parrish. Patton. DeBerry. Pollard. Gainer. Small Greer. Stevenson. Hardin. Thomason. Holbrook. Hornsby. Westbrook. Williamson. Love. Witt. Martin. McFarlane. Woodul. Miller.

Absent.

Woodward.

Absent-Excused.

Hver. Russek. Wirtz.

The Committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 20 was put on its third reading and final passage, by the following vote:

Yeas-27.

Martin. Beck. McFarlane. Berkeley. Cousins. Miller. Cunningham. Moore. DeBerry. Neal. Parr. Gainer. Parrish. Greer. Hardin. Patton. Holbrook. Pollard. Small. Hornsby. Stevenson. Love.

Thomason. Westbrook.

Witt. Woodul.

Williamson.

Absent.

Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

Read third time and finally passed by the following vote:

Yeas-27.

Beck. Moore. Berkeley. Neal. Cousins. Parr. Cunningham. Parrish. DeBerry. Patton. Gainer. Pollard. Greer. Small. Hardin. Stevenson. Holbrook. Thomason. Hornsby. Westbrook. Love. Williamson. Martin. Witt. McFarlane. Woodul. Miller.

Absent.

Woodward.

Absent—Excused.

Hver. Russek. Wirtz.

House Bills Referred.

H. B. No. 155 referred to Committee on State Afairs.

H. B. No. 175 referred to Committee on Civil Jurisprudence.

Senate Bill No. 53.

The Chair laid before the Senate on second reading the following bill:

By Senator Cousins:

S. B. No. 53, A bill to be entitled "An Act authorizing the commission. ers' court in any county having a population of not less than 73,100 and not more than 73,300 as shown by the preceding Federal census to purchase not exceeding two automobiles for the use of said assessor while actually engaged in the dis charge of his official duties, and providing for reports of repairs thereon and maintenance, to be made to the county auditor and limiting the amount to be expended for the purchase of said automobiles, and providing for the marking of said cars, and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

Yeas--14.

Beck. Parrish.
Cousins. Patton.
Hornsby. Small.
Love. Stevenson.
McFarlane. Thomason.
Moore. Witt.
Parr. Woodul.

Nays--7.

Berkeley. Cunningham. DeBerry.

Miller. Pollard. Westbrook.

Greer.

Absent.

Gainer. Hardin. Holbrook. Martin. Neal. Williamson. Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 53 was put on its third reading and final passage, by the following vote:

Yeas-19.

Beck. Parr. Berkeley. Parrish. Cousins. Patton. Cunningham. Pollard. DeBerry. Small. Greer. Stevenson. Hornsby. Thomason. Love. Witt. McFarlane. Woodul. Moore.

Nays-2.

Miller.

Westbrook.

Absent.

Gainer. Hardin. Holbrook. Martin. Neal. Williamson. Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

Read third time and finally passed by the following vote:

Yeas-16.

Beck. Parr. Parrish. Cousins. Patton. i.nve. Holbrook. Small. Hornsby. Stevenson. McFarlane. Thomason. Moore. Witt. Neal. Woodul. Nays-7.

Berkeley. Cunningham. DeBerry. Miller. Pollard. Westbrook.

Greer.

Absent.

Gainer. Hardin. Martin. Williamson. Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office, Austin, Texas, May 14, 1929. To the Honorable Forty-first Legislature:

A bill introduced under the number of House Bill No. 170, being entitled:

"An Act providing for the appointment of a State Auditor; prescribing the qualifications and duties of said officer; providing for his necessary assistants and compensation."

is submitted for your consideration. This bill seems to conform to one of the recommendations made by the Fiscal Survey Committee appointed pursuant to a resolution of the Fortieth Legislature.

Respectfully submitted,
DAN MOODY,
Governor.

S. C. R. No. 7.

Senator Pollard sent up the following resolution:

Be it resolved by the Senate of Texas, and the House of Representatives concurring, that the first called session of the Forty-first Legislature adjourn sine die at twelve o'clock noon, Staturday, May 18, 1929.

POLLARD.

The resolution was read.

Senator Love moved to indefinitely postpone the further consideration of the resolution.

Senator Pollard raised the point of order that the motion to postpone was out of order. The Chair sustained the point of order.

Senator Pollard moved to lay the resolution on the table subject to

Senator Williamson moved to table the motion. The motion to table prevailed.

Senator Love moved the previous question. The previous question was ordered

The resolution was lost.

Senate Bill No. 109.

Senator Love received unanimous consent to take up out of its regular order the following bill:

By Senator Love:

S. B. No. 109, A bill to be entitled "An Act granting to and recognizing, ratifying and confirming authority of cities having a population of more than one hundred fifty thousand and less than one hundred sixty thousand, at the time of taking Federal Census of 1920, and operating under provision of the Home Rule Act, the power to provide for annexing additional territory according to such provisions as are contained in the Chapter of such city; etc., and declaring an emergency."

The Committee report was adopted. The bill was read second time and

passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 109 was put on its third reading and final passage, by the following vote:

Yeas-27.

Beck.	Martin.
Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard,
Love.	Small.

Stevenson. Witt.
Thomason. Woodul.
Westbrook. Woodward.
Williamson.

Absent—Excused.

Hyer. Russek. Wirtz.

Read third time and finally passed by the following vote:

Yeas-27.

Moore. Beck. Berkeley. Neal. Cousins. Parr. Parrish. ไมทุกingham. DeBerry. Patton. Pollard. Gainer. Small. Greer. Hardin. Stevenson. Thomason. Holbrook. Westbrook. Hornsby. Williamson. Love. Martin. Witt. Woodul. McFarlane. Miller.

Absent.

Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

House Bill Referred.

H. B. No. 180 referred to Committee on State Affairs.

Senate Bill No. 59.

Senator Westbrook called up from the table the following bill:

By Senator Westbrook:

S. B. No. 59, A bill to be entitled "An Act to amend Art. 3689 of the Revised Civil Statutes of 1925, regulating the compensation of executors, administrators and testamentary trustees, and declaring an emergency."

Senator Greer moved to lay the bill on the table subject to call. The motion was lost.

Senator Love, sent up the following amendment:

Amend S. B. No. 59 by adding to Section 1 the following:

Provided such additional compensation shall in no case exceed \$250.00

LOVE.

Read and adopted.

The bill as amended passed to engrossment by the following vote:

Yeas-16.

Cousins. Cunningham. Gainer.

Patton. Pollard. Stevenson.

Parrish.

Greer. Holbrook. Hornsby. Love.

Parr.

Thomason. Westbrook. Witt.

Woodul.

Nays-6.

Berkeley. DeBerry. McFarlane. Moore. Neal. Small.

Absent.

Beck. Hardin. Martin. Miller. Williamson. Woodward.

Absent-Excused.

Hyer. Russek. Wirtz.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 59 was put on its third reading and final passage, by the following vote:

Yeas-19.

Cousins.
Cunningham.
DeBerry.
Gainer.

Parrish.
Patton.
Pollard.
Small.
Stevenson.
Thomason.
Westbrook.

Hornsby. Love. McFarlane. Neal.

Holbrook.

Witt. Woodul.

Parr.

Nays-2.

Berkeley.

Greer.

Absent.

Beck. Hardin. Martin. Miller. Moore. Williamson. Woodward.

Absent—Excused.

Hyer. Russek. Wirtz.

Read third time and finally passed.

Motion to Adjourn.

Senator Woodul moved that the Senate adjourn until 10:00 o'clock Wednesday morning. The motion prevailed by the following vote:

Yeas-14.

Cousins.
Cunningham.
Gainer.
Hornsby.
Martin.
McFarlane.
Miller.

Moore.
Parr.
Patton.
Stevenson.
Thomason.
Westbrook.
Woodul.

Nays-11.

Berkeley.
DeBerry.
Greer.
Holbrook.
Love.

Parrish.
Pollard.
Small.
Williamson.
Witt.

Neal.

Absent.

Beck.

Hardin.

Absent-Excused.

Hyer. Russek. Wirtz. Woodward.

Adjournment.

At 5:25 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 114 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 135 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 100 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 99 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 113 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Hon. Barry Miller, President of the Senate.

> Sir: We, your Committee on Engrossed Bills, have had S. B. No. 87 carefully examined and compared and find the same correctly engrossed.

> > MILLER, Vice Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 71 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 42 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 83 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 111 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 51 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 52 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room. Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 104 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon, Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 115 carefully examined and compared and find the same correctly engrossed.

MILLER. Vice-Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 98 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee on Enrolled Bills.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 34 Bill do pass in lieu thereof, and the carefully examined and compared Committee Substitute being the same and find the same correctly enrolled, as S. B. No. 27, be not printed. and have this day at 5 o'clock p. m.,

presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 41 carefully examined and compared and find the same correctly enrolled. and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room, Austin, Texas, May 13, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 39 carefully examined and compared and find the same correctly enrolled, and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 77, A bill to be entitled "An Act to provide for the eradication in the State of Texas of the fever-carrying tick, Margaropus Annulatus, and making it the duty of the inspectors of the Live Stock Sanitary Commission to supervise the dipping of cattle, horses, mules, jacks and jennets for the eradication of said fever-carrying tick, Margaropus Annulatus, from said live stock and from the premises, lands, territory, counties and parts of counties in the State of Texas, and for the removal of exposure to said fever-carrying tick, Margaropus Annulatus, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute Bill do pass in lieu thereof, and the

PARR, Chairman.

Committee Room,

Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred

H. B. No. 120, A bill to be entitled "An Act amending Art. 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the 40th Legislature of Texas, and as amended in Chapter 5 of the Acts of the Regular Session of the 41st Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the counties of Archer. Briscoe, Brooks, Chambers, Fort Bend, Goliad, Gray, Hutchinson, Jeff Davis, Jim Hogg, Leon, Live Oak, Montgomery, Polk, Marion, Potter, Panola, Runnels, San Jacinto, Shackelford, Terrell, Throckmorton, Uvalde, Walker, Webb, Zapata, and Zavala, and declaring an emergency.'

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining Irrigation and Drainage, to whom was referred

H. B. No. 105, A bill to be entitled "An Act conveying to the United States of America an easement for construction of the Intra-Waterway Coastal over certain State owned lands in Chambers and Galveston Counties; provided further, that nothing in this Act shall be construed to affect or impair any vested rights, or the right to use and maintain any bridge or bridges now in existence and the right of the ewner of any such bridge to use and maintain the same; providing for the reversion of said lands to the State of Texas under certain contingencies; and declaring an emergency."

eration and I am instructed to report it back to the Senate with the provisions of Section 59 of Article

recommendation that it do pass and be not printed.

STEVENSON, Chairman,

Senate Chamber, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 141, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District No. Eleven, in Cameron County, Texas, as a Conservation and Reclamation District, under the provisions of Section 59, of Article 16, of the Constitution of Texas; etc; and declaring an emergency.'

Have had the same under consid eration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Senate Chamber. Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining Irrigation and Drainage, whom was referred

S. B. No. 139, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District Number Twelve, in Cameron County, Texas, as a Conservation and Reclamation District under the provisions of Section 59, of Article 16, of the Constitution of Texas; etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Senate Chamber, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining. Irrigation and Drainage, to whom was referred

S. B. No. 136, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District Number Ten, in Cam-Have had the same under consid-eron County, Texas as a conservation

16, of the Constitution of Texas for port it back to the Senate with the the purpose of the reclamation and irrigation of its arid, semi-arid and that it being a local bill that it be other lands needing irrigation, re- not printed. clamation and drainage of its overflowed lands, and other lands needing drainage and all other purposes as contemplated by said Section 59 Austin, Texas, May 14, 1929. of Article 16 of the Constitution of Hon. Barry Miller, President of the this State to be governed by the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, Revision of 1925, and Acts amendatory thereof and supplementary thereto; etc., and declaring an emer- a Three Dollar road tax against all gency.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room. Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 128, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of issuing bonds and maintaining the public schools in school districts in all counties which, according to the Federal census of 1920, having a population of not fewer than 36,500 and not more than 36,700; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

NEAL, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

We, Sir: your Committee on State Affairs, to whom was referred

H. B. No. 117, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against ablebodied male citizens of Hood County Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith; and declaring an emergency."

eration and I am instructed to re-

recomendation that it do pass, and

WIRTZ, Chairman.

Committee Room, Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 147, A bill to be entitled "An Act to levy and collect annually able bodied male citizens of Van Zandt County, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith; and declaring an emergency.'

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 114, A bill to be entitled "An Act amending Section 8 of Chapter 177 of the General Laws of the Regular Session of the 39th Legislature, as amended by Chapter 35 of the General Laws of the 40th recommendation that it do pass, and Legislature, by providing that it be not printed.

Legislature, by providing that it shall be lawful to kill, take and have in possession any fur bearing animal, except a fox within Limestone County, during the open season, and providing that it shall be legal to kill, take, and have in pos-session within Limestone County rabbits at any time, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the rcommendation that it do pass ,and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Have had the same under consid- Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 126, A bill to be entitled "An Act amending Chapter 346 of the Special Laws passed by the First Called Session of the Thirty-ninth Legislature so as to provide for the refunding of the outstanding bonded indebtedness of Road District No. 9, of Houston County, Texas, by the commissioners' court of said county; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 119, A bill to be entitled "An Act amending Chapter 202 of the General and Special Laws of the Regular Session of the Forty-first Legislature so as to omit McCullough County from the operation thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room.
Austin, Texas, May 14, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 167, A bill to be entitled "An Act amending Chapter 258, page 534 of the Regular Session, Acts of the Forty-first Legislature, prohibiting the sale of fresh water fish during the months of March and April in Cass, Bowie, Morris and Titus Counties; providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 100, A bill to be entitled "An Act amending Article 879 of the 1925 Penal Code as amended and provided for in H. B. No. 161, Chapter 215, page 316, Regular Session of the Fortieth Legislature, so as to provide an open season or period of time when it shall be lawful to kill wild mourning doves in the North zone and in the South zone; excepting certain counties therefrom, and providing for an open season or period of time in which it shall be lawful to take or kill wild mourning doves in such excepted counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed as there is a Senate Bill printed on the same subject.

WIRTZ, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 121, A bill to be entitled "An Act to amend Chapter 3, Title 67 of the Revised Civil Statutes of Texas, by adding thereto Article 4056-A, and by authorizing the Game, Fish and Oyster Commissioner of Texas to lease the islands, reefs and bars within the tide-water limits of Texas for occupation for hunting, bathing and fishing purposes."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu thereof and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, May 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We. your Committee on Educational Affairs, to whom was referred

H. B. No. 151, A bill to be entitled "An Act amending Article 2691a of the Revised Civil Statutes of Texas, 1925, and providing for a rural school supervisor in lieu of teachers' institutes as required under Article 2691 and providing for the payment of the salary of said rural school supervisor in counties having a population of 34,700 to 35.000, according to the Federal census of 1920; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room. Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 131, A bill to be entitled "An Act providing for the appointment by the county board of trustees of a part-time county superintendent for counties having an area of 1,000 and not more than 1,150 square miles and with a population of 5,500 and not more than 6,000 as shown by the Federal census of 1920; conferring upon the county superintendent powers and duties of the present county superintendent; ex-officio providing for the compensation of the said county superintendent; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and being a local bill, that it be not printed.

NEAL, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining. Irrigation and Drainage, to whom was referred

S. B. No. 72, A bill to be entitled "An Act amending Article 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by, through or in the appro- "An Act creating and defining by

priation of such waters for hydroelectric power purposes, shall hereafter be subordinate to and shall remain subordinate to the rights of the State to grant allotments and appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); etc.; and declaring an emergency.'

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 101, A bill to be entitled "An Act creating a more efficient road system for McMullen County, Texas; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 119, A bill to be entitled "An Act creating a more efficient road system for Anderson County, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 162, A bill to be entitled

metes and bounds, Road District No. 3, etc., in Colorado County, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

. S. B. No. 124, A bill to be entitled "An Act creating a more efficient road system for McMullen County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 161, A bill to be entitled "An Act creating a more efficient road system for Hopkins County, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed .

WITT, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 95, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able-bodied male citizens of Cass County, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recomendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 127, A bill to be entitled "An Act to create a more efficient road system for Nueces County, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, May 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 134, A bill to be entitled "An Act to create Brazoria County Drainage District Number Five (5) in Brazoria County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Brazoria County in respect to the original organization and creation of said district as a drainage district under Article 3, Section 52 of the Constitution; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining. Irrigation and Drainage, to whom was referred

S. B. No. 135, A bill to be entitled "An Act amending Section 1 of Chapter 310 of the General and Special Laws of the Regular Session of the Forty-first Legislature, so as to fix the salary of court reporters in any county having a population of less than 100,000 and having a city with a population of more than 44,000 according to the latest United States census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 129, A bill to be entitled "An Act enacting proper provisions for the making of transcripts in civil cases without cost where the appellant or plaintiff in error has made the proof required to appeal his case without bond, regulating same, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 107, A bill to be entitled "An Act providing for a jury wheel and the selection of juries and drawing of venires by means thereof in all counties having a population of not less than 16,775 and not more than 17,000 as shown by the United States Census of 1920. To repeal the provisions of Art. 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2118, 2141, 2146 and 2150 of Chapter 7, Title 42, of the Revised Civil Statutes of Texas; to repeal Arts. 629, 638 and 640 of Chapter 4, Title 8, of the Revised Code of Criminal Procedure of Texas; to repeal Arts. 593 and 595 of Chapter 2, Title 8 of the Revised Code of Criminal Procedure of Texas, in so far as said articles apply to said counties; to provide for penalties for the violation of any provision of this Act, and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, May 14, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

S. B. No. 133, A bill to be entitled "An Act fixing the salary of official shorthand reporters of all judicial districts in any county which alone constitutes one judicial district, and of all judicial districts composed of two or more counties, in addition to transcript fees which such reporters received under the law; providing for payment of such salaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendment, and that it be not printed.

WIRTZ, Chairman.

Committee Amendment.

Amend Senate Bill No. 133, by adding thereto a new section to be known as Section 2A:

"Section 2A. Nothing in this act shall be construed as repealing that portion of Section 8, Chapter 202, of the General Laws of the 39th Legislature, 1925, or Article 2324, of Chapter 3, Title 42 of the Revised Civil Statutes relating to the preparation of question and answer form records or narrative form records; nor shall this Act be construed as repealing that portion Section 8, Chapter 202, of General Laws of the 39th of the Legislature, 1925, or Article 2323 of Chapter 3, Title 42, Revised Civil Statutes relating to the appointment and compensation of deputy official shorthand reporters during the absence or disability of the official shorthand reporter to act; nor shall this act be construed as repealing that portion of Section 8, Chapter 202, of the General Laws of the 39th Legislature, 1925, or Article 2326, of Chapter 3, Title 42, Revised Civil Statutes relating to the compensation of official shorthand reporters of any county court, either civil or criminal."

Amend Senate Bill No. 133, by adding after the word "payment of such salaries" in the caption of said bill, the following: "and providing that certain portions of Section 8,

Chapter 202, of the General Laws piration of said permits; and declarof the 39th Legislature, 1925, and Articles 2323, 2324 and 2326, of Chapter 3, Title 42, Revised Civil Statutes shall not be construed as being repealed by this Act."

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred,

H. B. No. 130, A bill to be entitled "An Act permitting counties having a certain population to employ dairying specialists; providing payment; and declaring an emergency.'

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CUNNINGHAM, Chairman.

Committee Room. Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

H. B. No. 207, A bill to be entitled "An Act defining an emigrant agent, and providing a license fee therefor. and bond necessary to be given, and providing penalties for a violation of this Act, or making false statements in connection therewith; and creating an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Vice-Chairman.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 209, A bill to be entitled "An Act renewing and extending Oil and Gas permit No. 8845 issued by covering the three year extension the Commissioner of the General period in the absence of production. Land Office on the 6th day of October, 1924, and Oil and Gas Permit No. 8861 issued by the Commissioner of the General Land Office on Permanent Fund of the University the 16th day of October, 1924, cov- of Texas, create an emergency and ering University lands in Pecos an imperative public necessity that County, Texas, for an additional period of three years from and after bills to be read on three several days the present respective dates of ex-|in each House be suspended, and

ing an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Hopkins

H. B. No. 209

A BILL To Be Entitled

An Act renewing and extending Oil and Gas Permit No. 8845 issued by the Commissioner of the General Land Office on the 6th day of October 1924, and Oil and Gas Permit No. 8861 issued by the Commissioner of the General Land Office on the 16th day of October 1924, covering University Lands in Pecos County, Texas, for an additional period of three years from and after the present respective dates of expiration of said permits; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. Oil and Gas Permit No. 8845, issued by the Commissioner of the General Land Office on October 6, 1924, and Oil and Gas Permit No. 8861, issued by the Commissioner of the General Land Office on October 16, 1924, covering University Lands situated in Pecos County, Texas, the present date of expiration of which is five years after their respective dates of issuance, are hereby renewed and extended for an additional term of three years from and after their present respective dates of expiration, so that said Permit No. 8845 shall be in force and effect for a term and period of three years from and after October 6, 1929, and Permit No. 8861 shall be in force and effect for a term and period of three years from and after October 16, 1929; provided that all rights hereunder shall be conditioned on regular payment of the annual rental

Sec. 2. The near approach of the date of adjournment, and the great importance of this legislation to the

said rule is hereby suspended and that this Act shall take effect and sage, and it is so enacted.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 140, A bill to be entitled "An Act defining an emigrant agent, and providing a license fee therefor, and bond necessary to be given, and providing penalties for a violation of this Act, or making false statements in connection therewith, and creating an emergency.'

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Parr

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S. B. No. 140

A BILL

To Be Entitled

An Act defining an emigrant agent, and providing a license fee thereviolation of this Act, or making ploy false statements in connection ion. therewith, and creating an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each person, firm or corporation, who shall engage in the or shall do any of the acts or things business of hiring, enticing, or soliciting, or who undertakes to hire, entice, or solicit laborers to go to or be employed outside of this State, or in furnishing, arranging or providing transportation for laborers to go beyond the limits of this State, or in a license, or without first having advertising for such laborers, shall be an emigrant agent within the meaning of this Act. All assistants, partners, associates, solicitors or recruitors, or employees of any such person or corporation, shall be subject to the license hereby levied, whether such license be paid by their employer, principal, partner, associate, corporation or not.

within the meaning of this Act shall court. pay annually a license tax of five Sec. 6. Any person, firm or corthousand dollars for the use of the poration, who shall engage in the

State and twenty-five hundred dollars for the use of the county; such be in force from and after its pas-license shall be paid in each county in which such emigrant agent engages in business or operates or undertakes to operate. Such license shall be paid at the time and in the. manner provided by statute for the payment of other licenses or occupation taxes, and shall be in lieu of any other licenses or ocupation taxes levied on emigrant agents.

> Sec. 3. No emigrant agent or employes shall take from this State or atempt to take from this State any person until after first giving a bond, with two or more good and sufficient sureties, to be accepted and approved by the County Judge of the County in which such person resides and is laboring or sojourning, conditioned to pay any valid debt owing by such person to any citizen of this State.

common Sec. 4. A. carrier or steamship company engaged in in-terstate commerce in transporting passengers shall not be an emigrant agent within the meaning of that term as defined in this Act; and further provided that nothing in this Act shall prohibit labor organizafor, and bond necessary to be giv-tions from notifying their members en and providing penalties for a of the conditions and need of employment in other states in the Un-

Sec. 5. Any person, firm or corporation, who shall engage in the business or undertake to engage in the business of an emigrant agent as defined in the laws of this State, constituting doing business or engaging in the business of emigrant agent as defined, or within the meaning of the laws of this State, or who knowingly assists another in so doing, without having first obtained given bond as provided in this Act, or without having complied with the laws of this State, shall be guilty of representatives, agents, sub-agents, a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county for not less than four months, nor more than one year, or Sec. 2. Each emigrant agent both, within the discretion of the

business or undertake to engage in the business of emigrant agent as defined in this Act, even though he bond, as herein provided, who engages any assistants, sub-agents, partners or employees, who have not been licensed according to law or as provided in the laws of this State relating to emigrant agents, shall be guilty of a misdemeanor, and upon conviction, such license shall be forfeited, and such party shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county for not less than four months nor more than one year, or both, within the discretion of the court.

Sec. 7. Any application to be licensed an emigrant agent, who knowingly makes any false statement before any judge of probate, or any judge of a court of record in this State, or any officer authorized to administer an oath, shall be guilty of perjury and shall be punished as provided by law in cases of perjury.

Sec. 8. If, during the term or period for which the license of an emigrant agent is forfeited, the person who held such license, shall do, or undertake to do business as defined in this Act, he shall be guilty of a misdemeanor, and shall, upon conviction, be punished as is provided for misdemeanors under this

Sec. 9. Each Act, or attempted Act, in violation hereof, shall constitute a separate offense. In event any section, subdivision, or part of this Act shall be held to be unconstitutional, then such holding shall not affect or impair the remainder of this Act and the remainder of this Act in such case shall be and remain in full force and effect as the intent of the Legislature.

Sec. 10. The fact that the State of Texas has come to be recognized as a fruitful field for the activities of emigrant agents who by their efforts cause seasonal depletion of the essential labor supply of the State for the needs of the agricultural, ranch and other industries of Texas, and the fact that the effect of the continuous operations of such agents have become a sources of periodical unrest among the laborers of the State and that the number of such

agents has increased to an extent affecting the economical welfare of the State in its essential farm. had taken out a license and given ranch and industrial development and the fact that the necessary available supply of labor in Texas is by reason of natural conditions subject to fluctuations that periodically curtail adequate labor supply, and the fact that the vocation of emigrant agent, by reason of the foregoing facts, requires State regulation creates an emergency and an imperative public necessity that the Constitutional Rule providing that a bill shall be read on three several days in both Houses be suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

> Committee Room, Austin, Texas, May 13, 1929. Hon. Barry Miller, President of the

> Sir: We, your Committee on Mining, Irrigation, and Drainage, to whom was referred

S. B. No. 72, A bill to be entitled "An Act amending Article 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by, through or in the appropriation of such waters for hydro-electric power purposes, shall hereafter be subordinate to and shall remain subordinate to the rights of the State to grant allotments and appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Woodward

S. B. No. 72

A BILL To Be Entitled

An Act amending Article 7471 of Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes

of 1925, all rights conferred by, through or in the appropriation of waters for hydro-electric such power purposes, shall hereafter be subordinate to and shall remain subordinate to the rights of the State to grant allotments and appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies), irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power), any law to the contrary notwithstanding; and amending Article 7472 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto the following, to-wit: "Provided, however, that all public waters hereafter appropriated or allotted for hydro-electric power purposes, shall be subordinate to and remain subordinate to the rights of the state to appropriate and allot such waters for municipal and domestic purposes (to include animal life comprising food supplies) irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power); and providing for the allottment of a sufficient amount of the waters defined in said Articles for the economical operation of machinery used by industries in the manufacturing and processing of raw materials into finished products and for the economical operation of the machinery used in generating electricity other than by hydroelectric power, and declaring an law to the contrary notwithstanding. emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 7471 of the Revised Civil Statutes of the State of Texas of 1925, is hereby amended and as amended shall hereafter read as follows:

Art. 7471. In the conservation becomes and utilization of waters declared the property of the State, the public welfare demands not only the recognition of uses beneficial to the public ufacturing and processing of such well-being, but requires as a con- raw material; likewise and to the structive public policy, a declara-same extent and under the same tion of priorities in the allottment limitation, a sufficient amount of and appropriation thereof; and it is the public waters as defined in said

policy of the State and essential to the public welfare and for the benefit of the people that in the allotment and appropriation of the waters defined in Article 7467 of the Revised Civil Statutes of Texas of 1925, all rights conferred by, through or in the appropriation of such waters for hydro-electric power purposes, shall hereafter be subordinate to and remain subordinate to the rights of the State to grant allotments and appropriations for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power) any law to the contrary notwithstanding.

Sec. 2. Article 7472 of the Revised Civil Statutes of the State of Texas of 1925 is hereby amended so as to hereafter read as follows:

As between appro-Art. 7472. priators, the first in time is the first in right, provided, however, that all public waters such as are defined in Article 7467 of the Revised Civil Statutes of Texas of 1925, hereafter appropriated for hydro-electric power purposes, shall be subordinate to the rights of the State to allot and grant appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); for irrigation purposes and for manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power) any

Sec. 3. If and when, in the manufacturing and procession of raw material into finished products, representing the needs of the people for food or materials necessary to the commercial and industrial welfare of the people, the use of the waters defined in Article 7467 of the Revised Civil Statutes of Texas of 1925 becomes necessary, a sufficient amount thereof may be allotted to enable the economical operation of the machinery necessary in the manhereby declared to be the public Article may be allotted to enable

the economical operation of the machinery of industries generating electricity other than by hydroelectric power.

Sec. 4. If any provisions or part of any provisions of this Act shall be held in controvention of the Constitution such ineffective provision or part thereof shall not be held to affect other parts of such provisions.

Sec. 5. The conservation, control, storing, preservation and distribution of the ordinary flow, underflow, storm and flood waters of the rivers and streams in Texas for State, mudomestic, irrigation, and nicipal. manufacturing processing purposes, is recognized as a public right and a public duty, essential to the development of the State, the several municipalities and all sections of Texas; and, whereas, the waters of the ordinary flow, underflow, storm and flood waters of every river of natural stream, canyon, ravine or watershet within the State of Texas, are declared by law and recognized by the people as the property of the state and are held by the State in trust for the public welfare, to be allotted and appropriated in such manner as will benefit the greatest number of people and result in the greatest benefit to all the people of this State; and, whereas, it is the public policy of the state and for the benefit of the greatest number of people that in the appropriation of the waters as herein defined, the appropriation of water for hydroelectric power purposes shall be and remain subordinate to the rights of the state to appropriate the same for municipal, domestic, irrigation and manufacturing and processing purposes; and whereas, the importance of protecting the rights of the people in the appropriation of the waters as defined herein and for the purposes as herein defined, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H B. No. 169, A bill to be entitled "An Act to authorize the commissioners' court in each county having a population not less than ten thousand and fifteen and not more than ten thousand and forty as shown by the U.S. Census of 1920, to pay the sheriff of such county for summoning jurors in district or county courts, serving all legal notices, notices to overseers of roads and doing all other public business for which compensation is not otherwise provided for, not exceeding twenty-five hundred dollars per annum, to be fixed by commissioners' courts at the same time other ex-officio salaries are fixed and to be paid out of the general fund of the county and further authorizing the commissioners' court in such counties upon written sworn application of the sheriff, stat. ing the necessity therefor, to purchase an automobile for the use of the sheriff and pay for same together with the expense of the maintenance and operation of same out of the county general fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

SMALL, Vice-Chairman.

By Petsch.

H. B. No. 169.

A BILL To Be Entitled

An Act to authorize the commissioners' court in each county having a population of not less than ten thousand and fifteen and not more than ten thousand and forty as shown by United States Census of 1920, to pay the sheriff of such county for summoning jurors in district or county courts, serving all legal notices, notices to overseers of roads, and doing all other public business for which compensation is not otherwise provided for not exceeding Twenty-five Hundred Dollars per annum, to be fixed by the commissioners' court at the same time other exofficio salaries are fixed, and to be paid out of the general fund of the county and further authorizing the commissioners' court in such counties upon written sworn application of the sheriff stating the

necessity therefor, to purchase an automobile for the use of the sheriff and pay for same together with the expense of the maintenance and operation of same out of the county general fund; and declarand an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all counties having a population not less than ten thousand and fifteen and not more than ten thousand and forty as shown by United States Census of 1920, the commissioners' court may pay the sheriff for summoning jurors in district or county courts, serving all legal notices, notices to overseers of roads, and doing all other public business for which compensation is not otherwise provided for, not exceeding Twenty-five Hundred Dollars per annum, to be fixed by the commissioners' court at the same time other ex officio salaries are fixed, and to be paid out of the general fund of the county.

Sec. 2. The commissioners' court in the counties mentioned in Section 1 of this Act are further authorized upon the written sworn application of the sheriff stating the necessity therefor to purchase an automobile to be used by the sheriff in the discharge of his official duties and to pay for same, together with expense of maintenance and operation of same, out of the general revenue of the county.

Sec. 3. The fact that in counties of the size mentioned in this Act, the sheriffs are underpaid, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this bill shall be in force and from and after the passage of this Act, and it is so enacted.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Insurance, to whom was referred

S. B. No. 108, A bill to be entitled tem and representative form of government, and which shall make probenefit societies and providing and vision for the payment of benefits in defining a lodge system for such; re-

quiring a representative form of government, defining and safeguarding the contracts and beneficiaries of such societies and prescribing the membership therein; to better provide insurance and annuities upon the lives of children and prescribing the basis of contribution, standards of mortality; for maintenance of adequate reserves; amending Article 4820, 4821, 4822, 4824, 4826, 4827, 4828, 4831 and 4833 of the Revised Civil Statutes of Texas for 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Hornsby.

S. B. No. 108.

A BILL To Be Entitled

An Act to better define fraternal benefit societies and providing and defining a lodge system for such; requiring a representative form of government, defining and safeguarding the contracts and beneficiaries of such societies and prescribing the membership therein; to better provide insurance and annuities upon the lives of children and prescribing the basis of contribution, standards of mortality; for maintenance of adequate reserves; amending Article 4820, 4821, 4822, 4824, 4826, 4827, 4828, 4831 and 4833 of the Revised Statutes of Texas for 1925 and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4820 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows:

Article 4820. (Fraternal Benefit Societies Defined)—Any corporation, society or order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system and representative form of government, or which limits its membership to a fraternity having a lodge system and representative form of government, and which shall make provision for the payment of benefits in accordance with Article 4824 hereof

is hereby declared to be a fraternal benefit society.

Sec. 2. That Article 4821 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows:

Article 4821. (Lodge System Defined.) Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known, into which members shall be admitted in accordance with its constitution, laws, ritual, rules and regulations, and which shall be required by the laws of such society to hold periodical meetings, shall be deemed to be operating on the lodge system.

Sec. 3. That Article 4822 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows:

Article 4822. (Representative Form of Government Defined.) Any society shall be deemed to have a representative form of government when it shall provide in its Constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members. together with such other members as may be prescribed by its constitution and laws; provided, that the elective members shall constitute a two-thirds in number and not less than the number of votes required to amend its constitution and laws; and provided further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates shall be held as often as once in four calendar years. No member under age sixteen years shall have voice or vote in the management of the society. No members, officer, representative, or delegate shall vote by proxy.

Sec. 4. That Article 4824 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows:

Article 4824. (Benefits.) Every society transacting business under this law shall provide for the payment of death benefits and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age. The pebenefits for disability on account of companies.

old age shall commence shall not be under seventy years. Such society may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all of such portion of the face value of his certificate as its laws may provide. Nothing in this law shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued. Such society shall, upon written application of the member, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding onehalf of the periodical contribution, against the certificate, with interest payable or compounded annually at a rate not lower than four per cent per annum. This privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contribution. and to contracts affected by such readjustment. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve not lower than the usual reserve computed by the American Experience Table and five per cent interest may grant to its members extended and paid-up protection, or such withdrawal equities as its Constitution and laws may provide. Such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

Any society may also enter into contracts in such other forms and granting such benefits as its laws may authorize when it shall provide for the accumulation and maintenance of assets required for the payment of such benefits when valued upon an interest basis not exceeding 4 per cent per annum and mortality standards adopted by it within the limitations provided in the statutes relating to fraternal benefit societies, or at the option of the society, in the riod of life at which the payment of statutes relating to life insurance

Sec. 5. That Article 4825 of the amended so as to hereafter read as Revised Civil Statutes of Texas for 1925 be so amended as to hereafter read as follows, to-wit:

Article 4825. That any fraternal benefit society authorized to do business in this State may provide in its laws, in addition to other benefits provided for therein, for insurance, annuities, or for insurance and annuities, upon the lives of children at any age, upon the application of some adult person, as the laws of such society may provide. Any such society may at its option organize and operate branches for such children and membership in local lodges, and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society.

Sec. 6. That Article 4826 of the Revised Civil Statutes of Texas for 1925 be so amended as to hereafter read as follows, to-wit:

The contributions Article 4826. to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table Three and One-half Per Cent" or the "English Life Table Number Six," or such other mortality table as may be approved by the Insurance Commis-

Sec. 7. That Article 4827 of the Revised Civil Statutes of Texas for 1925 be so amended as to hereafter read as follows, to-wit:

Article 4827. Any society issuing such benefit certificates shall maintain on all of such certificates the reserve required by the standard mortality and interest adopted by the society for computing contributions as provided in Article 4826.

Sec. 8. That Article 4828 of the Revised Civil Statutes of Texas for 1925 be so amended as to hereafter read as follows, to-wit:

Article 4828. Any society shall have the full power to provide for means of enforcing payment of contribution, designation of beneficiaries and changing such designations and in all other respects for the regulation, government and control of such certificate and all rights, obligations and liabilities incident thereto and connected therewith not at variance with the provisions of this Act.

That Article 4831 of Sec. 9. the Revised Statutes of Texas be and an imperative public necessity

follows:

Article 4831. (Beneficiaries.) Benefits may be paid to the member or to his estate or to any person or corporation or for such purpose as may be set forth in the laws of the society. Each member shall have the right to designate his beneficiary or beneficiaries and from time to time have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefits until the same has become due and payable in conformity with the provisions of the contract of member-

Sec. 10. That Article 4833 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows:

Article 4833. Qualifications for Membership.) Any society may admit to beneficial membership any person who has been examined by a legally qualified physician, whose examination has been supervised and approved in accordance with the laws of the society, or in lieu of a medical examination persons may be admitted to beneficial membership upon such showing of eligibility as the laws of the society may provide; provided, that upon contracts so entered into such additional reserves shall be set up as the Chairman of the Board of Insurance Commissioners requires, if any, of all societies and companies writing life insurance without medical examination. Nothing herein contained shall prevent such society from accepting general or social members.

Sec. 11. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Sec. 12. The importance of this Act and the further fact that the foregoing bill and measure hereinabove proposed, is a uniform fraternal Act provided for the several States of the Union, and that under the decisions of the United States Supreme Court it is important that the provisions regulating policies of insurance by fraternal societies shall be as nearly uniform as posible, and the fact that there is now considerable divergence and conflict in the various States, creates an emergency demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended so that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred,

S. B. No. 137, A bill to be entitled "An Act authorizing Commissioners' of Navigation Districts to expend the funds of such Districts to aid in the development of ports and Navigation in other Navigation Districts outside of their own districts, when, in the judgment of such commissioners, the expenditures of such funds outside of their districts will benefit the citizens and properties of their own districts, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Parr.

S. B. No. 137.

A BILL

To Be Entitled

An Act authorizing commissioners of navigation districts to expend the funds of such districts to aid in the development of ports and navigation in other navigation districts outside of their own districts, when, in the judgment of such commissioners, the expenditures of such funds outside of their districts will benefit the citizens and properties of their own districts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the navigation commissioners of any navigation district heretofore created in this State be, and are, hereby authorized to expend the funds of their respective districts outside of their districts to aid in the development of ports when, in the judgment of the commissioner of such navigation districts the expenditure of such funds

to aid in the development of ports in other navigation districts will benefit the citizens and property of their own respective districts

Section 2. The fact that there is now no law authorizing the commissioners of navigation districts to expend money outside of their districts, and that spending money outside of their districts will result in great material development to many sections of the State of Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended, and that this Act take effect and be enforced from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, May '4, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred,

H. B. No. 159, A bill to be entitled "An Act to amend Chapter 25 of the General Laws passed by the 39th Legislature, at its Regular Session in 1925, by adding a new Section to said Chapter to be known as Section 84-a, authorizing such Districts to declare an emergency in certain cases and under certain limitations and to issue interim bonds in evidence of such emergency loans, and pledge taxes and bonds of the District to secure payment of such emergency loans evidenced by such interim bonds, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Tillotson and H. B. No. 159. Sherrill.

A BILL

TO Be Entitled

An Act to amend Chapter 25, of the General Laws passed by the 39th Legislature, at its Regular Session in 1925, by adding a new Section to said Chapter to be known as Section 84-a, authorizing such Districts to declare an emergency in certain cases and under certain limitations and to

issue interim bonds in evidence of such emergency loans, and pledge taxes and bonds of the District to secure payment of such loans evidenced by such interim bonds; and to further amend said Chapter 25, by adding to said Chapter two other additional Sections to be known as Sections 75-a and 75-b: Section 75-a, to provide for the adding to the Area of Water Control and Improvement Districts which are known as "Municipal Districts" so that the boundaries of such Districts shall include the total area of an included city or town embraced in, and served by such District and providing for a hearing on benefits and providing for exclusion of lands in an appropriate case, and Section 75-b to provide that territory not embraced in a Water Control and Improvement District may be annexed to such a District in the same manner as is provided for the creation of such a District, as set out in this Act; providing that if any part of this Act be held unconstitutional such decision shall not affect the validity of the remaining portion of this Act; providing that the provisions of this Act shall not repeal any former Statute on the subject of Water Control and Improvement Districts but shall be cumulative thereof; enacting provisions incident and necessary to the subject and purpose of this Act: and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be added to Chapter 25, of the General Laws passed at the Regular Session of the 39th Legislature, in 1925, a new Section to be known as Section 84-a, and which shall read and provide as follows:

Whenever bonds. "Section 84-a. other than preliminary bonds, are voted by any Water Control Improvement District, the Board of Directors thereof shall have power to declare an existing emergency in the matter of funds not being available for engineering work, for the purchase of lands for rights-of-way and/or reservoir sites, for legal and other necessary expenses, and for such purfaith and credit of the District in the interest rate on the bonds de-

the manner hereinafter stated, towit:

- (1) The securities evidencing such emergency loan shall be known as "Interim Bonds." They shall mature not later than five years from date of issue, and shall be redeemable at any time prior to maturity, as is hereinafter provided. The principal amount of such emergency loan shall not exceed ten per centum (10%) of the principal amount of the bonds of the district which have been voted, but not sold.
- When the bonds of any dis-(2)trict, other than preliminary bonds, have been authorized by the necessary favorable vote of the qualified electors, the Board of Directors thereof may in its discretion authorize the issuance of such bonds in whole or in parcels, as the needs of the District may require, and such Board shall, and it is hereby made its duty, levy and provide for the annual assessment and collection of taxes sufficient to pay principal and interest of the bonds so authorized to be issued and sold. Such bonds may be authorized, and the taxes levied therefor, as aforesaid, and approved by the Attorney General and registered by the Comptroller of Public Accounts, prior to the filing of the report by the State Board of . Water Engineers provided for in Section 139, Chapter 25, Acts of 1925.
- (3) $\mathbf{A}\mathbf{s}$ the "Interim Bonds" herein authorized are issued and sold, it shall be the duty of the Board of Directors, by orders duly passed, to deposit in the District Depository, bonds of said District that have been approved by the Attorney General and registered by the Comptroller of Public Accounts, as provided in Sub-Section 2, of this Act, and which said bonds shall be deposited in said Depository to the credit of the "Interest and Sinking Fund Account" created for the payment of such "Interim Bonds"; provided, that the principal amount of bonds so deposited shall aggregate at least one hundred and ten per centum (110%) of the principal sum of the series of "Interim Bonds" to secure payment of which the said bonds are deposited.
- (4) The interest rate on the poses may issue securities on the "Interim Bonds" shall not exceed

posited to secure their payment. Such "Interim Bonds" may be sold in the same manner and on the same terms provided by law for the sale of other bonds of any such District; and such "Interim Bonds" shall be issed in the name of the District, signed by the president, and attested by the Secretary, with the seal of the District affixed thereto, and may be issued in such denominations as may be determined by the Board of Directors.

To secure the loan evidenced (5) by such "Interim Bonds" the Board of Directors shall appropriate the tax levied for the payment of the bonds deposited to the credit of the "Interest and Sinking Fund Account" of such "Interim Bonds," or so much of such tax as may be necessary for that purpose, and the proceeds of such tax, when collected shall be devoted exclusively to payment of the principal and interest of such "Interim Bonds"; provided, however, that nothing in this Act shall be construed as prohibiting the sale of any bonds of the District deposited to the credit of the "Interest and Sinking Fund Account" of the "Interim Bonds," or any other bonds of such District, but in event of the sale of any such bonds it is hereby made the duty of the District Depository to apply to proceeds of any such sale, first, to the payment of the principal and accrued interest of all such "Interim Bonds." and the remainder to the purpose or purposes for which any such bonds may have been authorized; and, provided, further, that in event none of the bonds of the District shall have been sold at the time of the maturity of any installment of the principal or interest on the "Interim Bonds," it shall be the duty of the Depository to cancel bonds so deposited, and annexed interest coupons, equal in amount to the principal and interest of any such "interim Bonds" so paid off and discharged.

Said "Interim Bonds" shall be redeemable, at the option of the Board of Directors of said District, at any time or times prior to maturity, upon payment by the District date fixed for redemption by said as, Regular Session. Board, and whenever any such "Interim Bonds" are called in for re-territory not embraced within a demption before maturity, notice water-controlled and improvement

thereof in writing shall be given to the bank or banking house named as the place of payment in such bonds, or to its successors or assigns, by the secretary of the Board of Directors of the District. The secretary shall designate in such notice the bond or bonds so called for redemption and payment, setting forth the number or numbers thereof, and the date fixed for the redemption thereof, which date shall be not more than thirty days after the date notice of call for payment is made. In event any of such "Interim Bonds" so called for redemption are not presented, the same shall cease to bear interest from and after the date so fixed for redemption."

Sec. 2. That there shall be added to said Chapter 25, of the General Laws passed at the Regular Session of the 39th Legislature, in 1925, the following new Sections, to be designated as Sections 75-a and 75-b, and which said two new Sections shall read, respectively, as follows:

"Section 75-a. Whenever a District has been established to be in fact a "Municipal District," did, or does, in fact include the total area of any city or town; does in fact have plans to furnish, or in fact does furnish, in whole or in part, a water supply, sanitation facilities, flood protection, or other service, inuring to the general benefit of the inhabitants of such embraced city or town; then, and in such case, if the boundaries of such included city or or town shall be extended to include lands not already included in such District, the boundaries of such District shall automatically be tended to include the lands so added to such included city or town, which lands shall be and constitute a part of such district: It is provided, however, that before any such inclusion becomes final, the Directors of such District shall publish notice of a hearing, hold a hearing and hear evidence to consider the exclusion, or retention in the District, of all or any part of such added lands, which shall be done in conformity to the applicable provisions of Section 8, of Chapter 280, (House Bill No. 489), of principal and interest accrued to Acts of the 41st Legislature of Tex-

Section 75-b. Defined areas of within a district may be added to the area of in all things governed by provisions any such district in the manner hereinafter provided.

Petition for an annexation of such territory shall be signed by a majority of land owners therein or by fifty land owners if the number of such land owners is more than fifty. Such petition shall be filed with the secretary of the Board of Directors. It shall be the duty of the Board to pass an order fixing a time and place at which such petition shall be heard, which date shall be not less than thirty days from date of such order. The secretary shall issue notice of such time and place of hearing and which notice shall describe the territory proposed to be annexed. The secretary shall execute said notice by posting copies thereof in three public places in the district, and one copy in a public place within the territory proposed to be annexed; said notices to be posted for fifteen days prior to date of said hearing. Publication of copy of such notice shall be made in a newspaper of general circulation in the county, one time, and at least fifteen days prior to such hearing. If upon the hearing of such petition it is found that the proposed addition is to the advantage of the district and if the water supply canals and other improvements would be sufficient to supply the same without injury to other lands of the district, then the Board by resolution duly entered upon its minutes may receive such proposed territory as an addition to and to become a part of the district. The added territory shall bear its pro rata part of all indebtednes or taxes that may be owed, contracted, or authorized by said district to which it shall have been added. Such resolution need not include all of the land described in the petition if upon the hearing a modification or change is found necessary or desirable; provided, however, annexation of the territory shall not become final until ratified by a majority vote of a separate election held within the boundaries of the district, and by a majority vote of a separate election held within the territory to be added thereto. The manner of holding such election and the notice declaring an emergency." for such election, manner, and the

of Chapter 25 of the Acts of 1925 relating to elections held for confirmation of districts. In the event the district has outstanding debts or taxes then at the same time and at the same election the proposition for assumption of its proportion of such debts or taxes by such territory if added shall also be submitted.'

Sec. 3. If any Section, sentence, clause, or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

Sec. 4. This Act shall not repeal any law, General or Special, but the powers, terms and provisions hereof shall exist as alternative powers, terms and provisions of all other laws in any wise relating to the same subject matter, and, specifically, this Act shall not repeal any of the provisions of Chapter 25, of the Acts of the Thirty-ninth Legislature, or, Chapter 107, of the Acts of the Fortieth Legislature, First Called Session, or Chapter 280, of the Acts of the Forty-first Legislature, Regular Session, relating to water control and improvement districts, but shall be cumulative thereof.

Sec. 5. The inadequacy of the present law in relation to the subject matter of this Act, and the public importance of this Act, create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days before final passage be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 142, A bill to be entitled "An Act to amend Article 4891 of the Revised Civil Statutes of 1925, of the State of Texas, and to provide the conditions under which the coinsurance clauses may be used in polices of insurance covering losses by fire to property in this State, and

Have had the same under considtime of giving such notice, and qual- eration and I am instructed to reifications of voters therein shall be port it back to the Senate with the recommendation that it do pass and be printed in the Journal.

Moore, Hornsby, Beck, Witt, De-Berry, Pollard, Miller.

By Woodul, Hornsby, S. B. No. 142 Moore, Love, Cousins, Beck.

A BILL To Be Entitled

An Act to amend Article 4891 of the Revised Civil Statutes of 1925, of the State of Texas, and to provide the conditions under which the co-insurance clauses may be used in policies of insurance covering leases by fire to property in this State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4891 shall hereafter be and read as follows:

Article 4891. No company subject to the provisions of this law may issue any policy or contract of insurance covering property in this State, which shall contain any clause or provisions requiring the assured to take out or maintain a larger amount of insurance than that expressed in such policy, nor in any way providing that the assured shall be liable as a co-insurer with the company issuing the policy for any part of the loss or damage which may be caused by fire to the property described in such policy and any such clause or provisions, except as herein provided, shall be null and void, and of no effect; provided, co-insurance clauses and provisions may be inserted in policies written upon cotton, grain, or other products in process of marketing, shipping, storing or manufacture.

Provided, further, It shall be optional with an insured to accept a policy or contract of insurance containing such clause or provision covering other classes of property, except stocks of merchandise offered for sale at retail when of a value less than ten thousand dollars, when a reduction in the rate is allowed for such policy, and said clause in such policy shall be valid and binding; and the Board of Insurance Commissioners shall have power to name the rates to apply, when such co-insurance clause or provision shall be used.

Sec. 2. The fact that property owners under the existing law are

denied the freedom to contract in the buying of insurance against fire and as a result are compelled to pay more for such insurance than would be required with freedom to contract, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be suspended, and that the constitutional rule as to the time an Act shall take effect be suspended, and each of said rules are suspended and this Act shall take effect and be in force from and after its passage.

Committee Room, Austin, Texas, May 14, 1929. Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 138, A bill to be entitled "An Act to provide for the conversion of Navigation Districts created and organized under Section 52 of Article 3, of the Constitution of the State of Texas, into Navigation Districts under the Reclamation and Conservation Provisions of Section 59 of Article 16 of the Constitution; etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Parr

S. B. No. 138

A BILL To Be Entitled

An Act to provide for the conversion of Navigation Districts created and organized under Section 52 of Article 3, of the Constitution of the State of Texas, into Navigation Districts under the Reclamation and Conservation Provisions of Section 59 of Article 16, of the Constitution, defining and declaring the powers of all Navigation Districts heretofore organized and created or hereafter organized and created, irrespective of the law under which they were created, providing for the inclusion of all or any part of three counties by navigation districts created under authority of Article 16 Section 59 of the Constitution or converted hereunder by amending Section 1

Chapter 5 of the Acts of the 39th Legislature: providing a method of annexing territory by Districts created under authority of Article 16, Section 59 of the Constitution or converted hereunder; providing for the election of Navigation and Canal Commissioner of Districts created under authority of Article 16, Section 59 by amending Section 13, Chapter 5 of the Acts of the 39th Legislature; enabling all navigation districts heretofore created or hereafter created to fund their bonded indebtedness outstanding, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Any Navigation District heretofore organized or hereafter to be organized under the provisions of section 52 of Article 3 of the State Constitution may become and converted into a Navigation District under Section 59, Article 16, of the State Constitution in Chapter 5 of the Acts of the 39th the following manner: The Naviga- Legislature, 1925, and all amendtion Board of such District shall ments thereto, and shall have and adopt a resolution declaring that in may exercise all the powers, auits judgment it is for the best interest of such district and will be a benefit to the lands and property included in said district to become a Navigation District operating under the provisions of Article 16, Section 59, of the Constitution of Texas, and calling a hearing on said be so construed as depriving any proposal. Such resolution shall be Navigation District so converted of entered in the Minutes of said Board. Notice of the adoption of such resolution shall be given by which it was organized, but said publication thereof in a newspaper district so converted shall have all County or Counties in which the District is situated, which notice shall be published once a week for publication must appear not less than fourteen full days prior to the upon a hearing the Navigation Board situated in said District for said Dis-

Article 16 of the Constitution of Texas, then and in that event said Board shall enter its order so finding; and said District shall thereupon become a Navigation District operating under the provisions of Article 16, Section 59 of the Constitution of this State. If said Navigation Board finds that it would not be to the best interest of the District and would not be a benefit to the lands and property situated in the District, it shall so find and enter its order against the conversion of the Districts as proposed. The finding of said Navigation Board shall be final and not subject to appeal or review. All Navigation Districts so converted as provided herein shall become and be constituted Conservation and Reclamation Districts, under the provisions of Section 59, Article 16, of the State Constitution, and shall thereafter be governed by said provisions and any amendments thereafter adopted, and Legislature, 1925, and all amendthority, functions and privileges in the same manner and to the same extent as if said Navigation District had been originally organized under the provisions of Section 59, Article 16 of the Constitution of Texas.

Sec. 2. Nothing in this Act shall any of the powers conferred on said district by the law or laws under having general circulation in the of the powers conferred upon it under said law or laws under which it was organized and shall in addition thereto have all of the powers and two consecutive weeks and the first jurisdiction conferred upon districts originally organized under Section 59 of Article 16 of the Constitution time set down for a hearing. Such and Chapter 5 of the Acts of the notice shall state the time and place 39th Legislature, 1925, and amend-of the hearing and shall set out the ments thereto; and in the event resolution in full. It shall notify all there is any conflict between the interested persons to appear and of provisions of Chapter 5, of the Acts fer testimony for or against the pro- of the 39th Legislature 1925 and the posal contained in the resolution. If Act under which said district was organized the provisions of Chapter finds that it would be for the best 5 of the Acts of the 39th Legislainterest of the District and would be ture 1925 shall control. There bea benefit to the lands and property ing some question as to the powers conferred on navigation districts untrict to be converted into a Naviga- der the different acts heretofore tion District under Section 59 of passed, it is hereby declared that all

navigation districts, heretofore created or hereafter to be created, under any of the Acts of the Legislature authorizing the creation thereof, have and by this Act are granted, and shall have all the powers conferred by Articles 8229, 8237, 8239, 8240, 8241, 8242, 8243, and 8245, Title 128, Subdivision V. Chapter Nine, Section 2A, Revised Civil Statutes of 1925, and all amendments thereto, regardless of whether or not there is a city of 100,000 inhabitants or more within the boundaries of said district, and all Acts of said districts in heretofore exercising anv of such powers are hereby validated. The enumeration of any particular powers herein shall not be construed as a limitation upon the powers conferred, but the Navigation and Canal Commissioners of said district shall have the full powers, control and with the jurisdiction, consistent State and Federal Constitution, of all water-shipping and navigation, regulation of wharfage, and of all facilities of or pertaining to water ways and navigation within said districts. The Navigation and Canal Commissioners of such districts shall constitute a Pilot Board with all the powers and duties provided for in Section 2B, Title 128, Subdivision V, Chapter nine in the same manner as therein provided for navigation districts having within their confines a city of a hundred thousand inhabitants or more.

Section 3. Navigation Districts heretofore created under and by virtue of Section 59 of Article 16 of the Constitution of the State of Texas, as authorized by Chapter 5 of the Acts of the 39th Legislature in 1925 or hereafter created by the authority of the same as amended or hereinafter converted from navigation districts created under Section 52 Article 3 of the Constitution into conservation and reclamation districts under Section 59 of Article 15 of the Constitution may extend their boundaries and annex adjacent territory in the following manner.

Upon a petition of fifty (50) or a majority of the resident property taypaying voters residing in such adjacent territory proposed to be annexed, being presented to the Navigation and Canal Commission of any such district, praying that an election be ordered within and throughout such adjacent territory proposed to be annexed, then by posting such election; which said notice shall be published once each week for twenty (20) days next preceding such election; which said notice shall be published once each week for twenty (20) days next preceding such election; which said notice shall be published once each week for twenty (20) days next preceding such election; which said notice shall be published once each week for twenty (20) days next preceding such election; which said notice shall be published once each week for twenty (20) days next preceding such election in some newspaper published in said territory proposed to be annexed, and if there be no newspaper published in such territory proposed to be annexed, there be no newspaper published in such territory proposed to be annexed, and if there is no newspaper published in said territory proposed to be annexed, and if there is no newspaper published in said territory proposed to be annexed, and if there is no newspaper published in such and the next preceding such election; which said notice shall be published once each week for twenty (20) days next preceding such election in some newspaper published in said territory proposed to be annexed, there is no newspaper published in such and the next preceding such election in some newspaper published in said territory proposed to be annexed, and if there is no newspaper published in said territory proposed to be annexed, and if there is no newspaper published in such and the next preceding such election in some next preceding such ele

to be annexed, for the purpose of determining whether or not said territory shall be annexed to such navigation district, and whether or not such territory proposed to be annexed shall assume its prorata part of the bonded debt of such navigation district then outstanding; and when such petition is presented it shall be the duty of the Navigation and Canal Commission to set the petition down for a hearing which hearing shall be within ten (10) days from the date of presentation of said petition after notice duly given of such hearing by posting at three public places within the proposed territory to be annexed for at least five (5) days preceding the hearing on the petition, such notice shall contain the time and place of said hearing and the boundaries of the territory proposed to be annexed; such hearing shall be held by the Navigation and Canal Commission and any person who has taxable property within said territory proposed to be annexed may appear in person or by counsel and offer testimony or argument for or against the inclusion of all or any part of the lands within the territory proposed to be annexed to the navigation district, and if after conducting said hearing the Navigation and Canal Commission shall find that the inclusion of the territory proposed to be annexed shall be a direct benefit to all the lands situated within the territory proposed to be annexed, it shall be the duty of the Navigation and Canal Commission to order such election to be held within and throughout such territory proposed to be annexed, which said election shall be held not less than twenty (20) nor more than thirty (30) days from date of such order and after notice is given, which notice shall give the time and place or places of holding such election and the boundaries of the territory proposed to be annexed, and may contain the substance of the order of the Navigation and Canal Commission ordering such election; which said notice shall be published once each week for twenty (20) days next preceding such election in some newspaper published in said territory proposed to be annexed, and if there be no newspaper published in such territory proposed to be anthree public places within such territory proposed to be annexed for at least twenty (20) days next preceding such election, and it shall be the duty of the Secretary of such Navigation and Canal Commission to cause to be published or posted such

The ballots to be used at such election shall have written or printer thereon "For the annexation to the navigation district" and "Against the annexation to the navigation district," and "For the assumption of the prorata part of the bonded debt of the navigation district," "Against the assumption of the prorata part of the bonded debt of the navigation district.'

The Navigation and Canal Commission shall appoint one judge and two clerks for each election box or place, who shall be property taxpaying voters within the territory proposed to be annexed and reside near the place of holding such election. to hold said election, which said election shall be held in conformity with the general election laws of the State of Texas, except as herein otherwise provided, and the judge or judges of said election shall certify the returns thereof to the Navigation and Canal Commission, ordering such election, which Commission shall canvass the returns of such election, and should a majority of the property taxpaying voters voting at said election be in favor of such annexation, and for the assumption of the prorata part of the bonded debt of the navigation district then the Navigation and Canal Commission shall enter an order in its minutes, annexing such territory and from and after such entry said territory so annexed shall become a part of such navigation district, with all the rights, benefits and burdens of property originally situated within the district; but should the majority of the property taxpaying voters voting at said election be in favor of the annexation to the navigation district and the proposition to assume the bonded debt fail to carry, then the Navigation and Canal Commission shall enter an order in their minutes annexing such territory to the navigation district, and from and after such entry said territory so annexed shall become a part of such navigation district with the ex- such order such district shall become

ception of the assumption of the bonded indebtedness outstanding but shall be subject to a tax for maintenance and operation and shall be liable for all other bonded indebtedness and other indebtedness legally imposed upon the district thereafter. When such order of annexation shall be entered in the minutes of the Navigation and Canal Commission as above provided, a certified copy of the same shall be prepared by the Secretary of the Navigation and Canal Commission which said Order shall include the boundaries of the territory annexed, and the Secretary shall record the same or cause it to be recorded in the real estate records of the county or counties in which said territory shall be situated.

Districts created pursuant to Section 59 of Article 16 of the Constitution may be annexed and become a part of another adjacent navigation district created pursuant to the general law in the same manner above provided in Section 3 of this Act, except the Navigation and Canal Commission of such district shall conduct the hearing, order the election and canvass the returns of the election and perform the other duties above provided for the Navigation and Canal Commission of the annexing district, and if such election shall carry by a majority of the votes of the property taxpaying voters voting at such election the Navigation and Canal Commission of such district proposed to be annexed shall certify the result of said election together with the metes and bounds of such district to the Navigation and Canal Commission of the annexing district, and the Navigation and Canal Commission of the annexing district shall conduct a hearing to determine whether or not it will be a benefit to the annexing district to annex such territory, which said hearing shall be conducted after giving five (5) days notice in some newspaper published within the annexing district, and if at said hearing it shall appear that the annexation of such district will be a benefit to the territory within the annexing district, the Navigation and Canal Commission shall enter an order in the minutes of the Navigation and Canal Commission annexing such district and from and after the entry of

a part of the annexing district with all rights and privileges of territory originally situated therein, neither the annexing district nor the district to be annexed shall assume the bonded debt of the other outstanding, without a majority vote of the property taxpaying voters in such district, but such an annexation shall or any other valid obligation outstanding of either the annexing district or the district to be annexed. and it shall be the duty of the Navigation and Canal Commission of the annexing district to annually levy and collect sufficient taxes on the district to be annexed to discharge all valid obligations outstanding of the district to be annexed; and from and after the time of the entry of said order annexing said district in the minutes of the Navigation and Canal Commission, said district in the minutes of the Navigation and Canal Commission, said district shall be dissolved and all powers theretofore vested in said district annexed shall be vested in the annexing district, and the powers theretofore vested in the Navigation and Canal Commission of the district annexed shall be vested in the Navigation and Canal Commission of the annexing district.

Sec. 4. There may be created within this State under and by virtue of Section 59 of Article 16 of the Constitution of the State of Texas. districts to be known as navigation districts in the manner hereinafter provided; and such districts may or may not include within their boundaries and limits villages, towns, cities, roads districts, drainage districts, irrigation districts, levy districts, and other improvement districts, and municipal corporations of any kind, or any part thereof. Such navigation districts when so established may make improvements for the navigation of inland and coastal waters, and for the preservation and conservation of inland and coastal waters for navigation, and for the control and distribution of storm and flood waters of rivers and streams in aid of navigation, and for any and all purposes stated in Section 59 of Article 16, of the Constitution of the State of Texas, necessary or in-cidental to the navigation of inland through the death or resignation or or coastal waters or in aid thereof, otherwise of any commissioner the

which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges, and functions as may be essential to the accomplishment of such purposes; and provided that such districts shall not include therein the in no way affect the bonded debt territory of more than three counties, or parts of three counties, and that such improvements herein authorized shall be made within or adjacent to such districts.

> Sec. 5. After the establishment of any navigation district as herein provided the commissioners' court or Navigation Board as the case may be, shall appoint three Navigation and Canal Commissioners, all of whom shall be residents of the proposed navigation district who shall be freehold property taxpaying voters of the county whose duties shall be as hereinafter provided, and who shall each receive for their services such compensation as may be fixed by the commissioners' court of the county exercising jurisdiction in creating said district. Said Navigation and Canal Commissioners shall hold office for a term of two years and until their successors have been elected and qualified, unless sooner removed by a unanimous vote of the county commissioners or Navigation Board as the case may be for malfeasance or non-feasance in office, after a hearing duty had according to law, from which judgment of removal appeals may be had to the district court of the county in which such Commissioners reside and said court shall proceed to try the case de novo. Such Navigation and Canal Commissioners shall be elected on the First Saturday in July in each odd year beginning with the first Saturday in July, 1929, and shall hold office for two years and until their successors are elected and quaiified, such election to be ordered by the Navigation and Canal Commissioners, and notice thereof shall be given by the Secretary of such Commission by posting or publishing the same for at least twenty (20) days prior to such election, and shall otherwise be held according to the general election laws of the State of

..;

same shall be filled by the remain ing members of such Navigation and Canal Commission; provided that if two or more vacancies occur at the same time a special election may be talled by a petition signed by fifty (50) resident property taxpaying voters after notice duly given by publishing or posting for at least twenty (20) days prior to such election which petition shall contain the judges and clerks for such election who shall jointly canvass the returns and declare the results of such election and issue certificates of election to the successful candidates which election shall otherwise be held according to the general election laws of the State of Texas; provided further that this Section shall not apply to navigation districts created pursuant to Section 52 of Article 3 of the Constitution of Texas, or to any such district converted or transferred into navigation districts under Section 59 of Article 16 of the Constitution of Texas, by virtue of Section 1 and 2 of this Act, but the Navigation and Canal Commissioners of such districts shall be appointed by the Navigation Board or the Commissioners' court of the county having jurisdiction as heretofore provided by law.

Sec. 6. It is hereby provided that the governing body of navigation districts hertofore created or hereafter created, whether by General or Special law, or converted or transformed by the provisions of this Act, may fund or refund their bonded debt legally outstanding without a vote of the people of such districts, in the manner now provided by law for counties, cities, and towns and may fund or refund their bonded debt legally outstanding owned by the State Board of Education in the manner now provided by law for Inde-pendent School Districts incorporated for free school purposes only.

Sec. 7. The provisions of this Act shall be cumulative of all other Acts heretofore enacted into Law with reference to the organization and operation of navigation districts. In case of any conflict the provision of this Act shall control.

Sec. 8. If any of this Act shall be held to be unconstitutional, such holding shall not effect any other provision of the Act not so held to as special order the following bill: be unconstitutional.

Sec. 9. The fact that there is now no law permitting the converting of navigation districts heretofore organized under Section 52 of Article 3 of the Constitution, into conservation and reclamation districts under Section 59 of Article 16, and that some confusion-exists because of the fact that the powers intended to be exercised by navigation districts are not fully set forth in the law of their creation, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended and that this Act take effect and be in force from and after the passage thereof, and it is so enacted.

FOURTEENTH DAY.

Senate Chamber, Austin, Texas, Wednesday, May 15, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment. and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Neal.

Beck. Berkeley. Cousins. Cunningham. DeBerry. Gainer. Greer. Hardin. Holbrook. Hornsby. Hyer. Love. Martin. McFarlane. Miller. Moore.

Parr. Parrish. Patton. Pollard. Russek. Small. Stevenson. Thomason. Westbrook. Williamson. Wirtz. Witt. Woodul. Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

House Bill No. 77.

The Chair laid before the Senate H. B. No. 77, A bill to be entitled